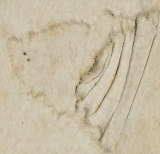


DR. AVERY J. SKILTON.

No. _____

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HISTORY
OF
NEW-YORK.

HISTORICAL

NEW YORK

FROM THE COLLECTION OF THE NEW YORK HISTORICAL SOCIETY

THE NEW YORK HISTORICAL SOCIETY
HAS THE HONOR TO ANNOUNCE
THAT THE FOLLOWING VOLUMES
ARE NOW ON HAND

THE NEW YORK HISTORICAL SOCIETY

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HISTORY

OF

NEW-YORK,

FROM THE FIRST DISCOVERY TO THE YEAR M.DCC.XXXII,

TO WHICH IS ANNEXED, A DESCRIPTION OF THE COUNTRY, WITH A SHORT
ACCOUNT OF THE INHABITANTS, THEIR RELIGIOUS AND POLITICAL
STATE, AND THE CONSTITUTION OF THE COURTS OF
JUSTICE IN THAT COLONY.



Lo! swarming o'er the new discover'd world,
Gay colonies extend; the calm retreat
Of undeserv'd distress..... THOMSON.

Nec minor est virtus, quam quærere, parla tueri.

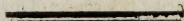


BY WILLIAM SMITH, A. M.



WITH A CONTINUATION,

From the Year 1732, to the Commencement of the Year 1814.



ALBANY:

PRINTED BY RYER SCHERMERHORN.

Sold by himself and G. Forbes, Albany; H. Stockwell, Troy; A. Seward, Utica;
and Andrus & Starr, Hartford.

.....
1814.

District of New-York, ss.

BE it remembered, that on the thirtieth day of July, in the thirty-ninth year of the Independence of the United States of America, Ryer Schermerhorn, of the said district, has deposited in this office the title of a Book, the right whereof he claims as proprietor, in the words and figures following, to wit:

“History of New-York, from the first discovery to the year M.DCC.XXXII. To which is annexed, a description of the country, with a short account of the inhabitants, their religious and political state, and the constitution of the courts of justice in that colony.

“Lo ! swarming o’er the new discover’d world,

“Gay colonies extend ; the calm retreat

“Of undeserv’d distress..... THOMSON.

“*Nec minor est virtus, quam quærere, parta tueri.*

“By William Smith, A. M. With a continuation, from the year 1732, to the commencement of the year 1814.”

In conformity to the act of the Congress of the United States, entitled “An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies, during the time therein mentioned.” And also to an act, entitled “an act supplementary to an act, entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints.”

THERON RUDD, Clerk of the District of New-York.

ADVERTISEMENT.

IN point of wealth, resources and importance, the state of New-York is second to none in the Union. She has been the theatre of interesting transactions since her first colonization. The ambitious views of the aspiring court of France, while it controuled the Canadas, were frequently directed to her subjugation : and in repelling the incursions of the French and Indians, much of her blood has been drawn, and much of her treasure dissipated. The history of the founders of this state is crouded with striking incidents. With a bravery and vigour of soul, which, were they recorded in Grecian or Roman history, would have exalted their names, they defended their territory against invasion, and their civil and religious rights from the encroachments of arbitrary power. In truth, they possessed an unusual portion of that proud spirit of freedom, which looks indignantly upon chains, and spurns coercion. In reviewing the conduct of our ancestors, we find much to swell our bosoms with honourable pride.

Little attention, however, has, hitherto, been directed to the history of this state. While New-Hampshire, Massachusetts, Connecticut, Vermont, and some other states, possess accurate and valuable historical memoirs, of recent date, New-York has been, for the last seventy years, entirely neglected. The history by Judge

Smith, is a work of established reputation, but it closes when the more interesting events of our history begin to developé. To supply this deficiency, as far as progress has been made, is the object of the continuation to the present work. How far, and how successfully this has been accomplished, is left to the decision of the candid and impartial reader.

The historical facts have been collected from official documents, so far as these were accessible ; and where these were deficient recourse has been had to such other sources as were entitled to credit.

In copying Smith's history, few deviations from his mode of spelling the names of places, particularly such as are derived from the aboriginal tongues, have been made. It is believed that he adopted the mode of spelling which conveyed most clearly the sound of Indian words.

TO THE RIGHT HONOURABLE

GEORGE,

EARL OF HALIFAX, VISCOUNT SUNBURY,

First Lord Commissioner of Trade and Plantations, &c. &c.

MY LORD,

I BEG your favourable acceptance of this short account of the ancient and present state of the province of New-York.

It is not presented for your lordship's information. All the world knows that the affairs of the British colonies have been, for several years past, under your principal direction : and the wisdom of the measures pursued for their prosperity and defence, are indisputable arguments of your acquaintance with their condition.

Nor am I induced to inscribe these pages to your lordship by interest, the common motive to addresses of this kind. Being, therefore, uninfluenced by the principle, I shall not follow the example, of dedicators ; but suppress those sentiments concerning your lordship, which would, nevertheless, give offence only to yourself, and to those who envy your talents and your virtues, and are enemies to their effects, your reputation, and your power.

My lord, your ardent attention to the American plantations, and assiduous labours for their protection and growth, have laid us under the most indispensable obligations to gratitude.

Your lordship will, therefore, excuse me for embracing this opportunity to make a publick declaration of the deep sense I have of your kind offices to my country, and to do myself the honour of testifying, that

I am, my lord, your lordship's

Most obedient and most humble servant,

WILLIAM SMITH.

New-York, June 15, 1756.

PREFACE.

WHOEVER considers the number and extent of the British colonies, on this continent ; their climates, soil, ports, rivers, riches, and numberless advantages, must be convinced of their vast importance to Great Britain ; and be at a loss to account for the ignorance concerning them, which prevails in those kingdoms, whence their inhabitants originally sprang. The merchants, indeed, by profitable experience, have not been altogether unacquainted with our trade and our growth—and some gentlemen of an inquisitive turn, by the help of their correspondents, have obtained the knowledge of many other particulars equally important. But the main body of the people conceive of these plantations, under the idea of wild, boundless, inhospitable, uncultivated deserts ; and hence the punishment of a transportation hither, in the judgment of most, is thought not much less severe, than an infamous death. Nay, appealing to facts, we may safely assert, that even the publick boards, to whose care these extensive dominions have been more especially committed, attained but lately, any tolerable acquaintance with their condition. This is the more to be wondered at, as it is natural to imagine, that the king's governours have statedly transmitted full accounts of

their respective provinces. The case has been quite otherwise. Governments were heretofore too often bestowed upon men of mean parts, and indigent circumstances. The former were incapable of the task, and the latter too deeply engrossed by the sordid views of private interest, either to pursue or study our commonweal. The worst consequences have resulted from these measures. Perpetual animosities being engendered between the governours, and the people subjected to their authority; all attempts for conciliating the friendship of the Indians, promoting the fur trade, securing the command of the lakes, protecting the frontiers, and extending our possessions far into the inland country, have too often given place to party projects and contracted schemes, equally useless and shameful. The conduct of the French has been just the reverse: in spite of all the disadvantages of a cold climate, a long and dangerous navigation up the river of St. Lawrence, a rough, barren, unsettled* country, locked up from all communication with the ocean, the greatest part of the year; I say, notwithstanding these difficulties, they have seized all the advantages which we have neglected. The continent, for many hundred leagues, has been thoroughly explored, the main passes fortified, innumerable tribes of Indians, either won over to their interest,† subdued or bridled, the fur trade engrossed, a communication maintained between the extremes of New-France, the British colonies restricted to scant limits along the sea

* "Encore moins peuplé." *Charlevoix.*

† "Notre nation, la seule, qui ait eu le secret de gagner l'affection des Américains." *Charlevoix.*

shore, and nothing left remaining for the establishment of a vast empire, but to open a free water passage to the ocean, by the conquest of the province of New-York.

If the governours of these plantations had formerly been animated by the same generous and extensive views, which inspired Mr. Burnet ; the long projected designs of our common enemy might, with the aid of Great Britain, have been many years ago supplanted, or at least defeated, at a trifling expense. But, alas ! little, too little, attention has been had to these important affairs, till the late encroachments on the river Ohio, in the province of Pennsylvania, gave the alarm, and the ministry were apprised of the French machinations, by the seasonable representations of General Shirley ; and if the colonies have now attracted the notice of his majesty and his parliament, their grateful acknowledgements are due principally to the noble lord, to whom these sheets are dedicated, for his laudable enquiries into their state, and his indefatigable zeal and industry for their defence and prosperity.

At present our affairs begin to wear a more smiling aspect. We are under the guardianship of a sovereign who delights in the welfare of his people ; are respected by a parliament, affected with a generous sympathy for the distresses of their fellow subjects, in all their dispersions ; and by a wise improvement of the British aids, it is hoped, we shall be able to retrieve the ill consequences of our long, reproachful, and insensible security.

Formerly the colonies were, at home, disregarded and despised, nor can any other reason be assigned for it, than that they were unknown. This is, in a great

degree, to be imputed to ourselves. If our governours withheld those informations, which their duty required them to have given, persons of private character ought to have undertaken that useful and necessary task. But, except some accounts of the settlements in the Massachusetts' Bay and Virginia, all the other histories of our plantations upon the continent are little else than collections of falsehoods, and worse than none. That this charge against those published concerning this province, in particular, can be fully supported, I persuade myself, will incontestably appear from the following summary, concerning which I shall say a few words.

Having been formerly concerned, according to an appointment by act of assembly, in a review and digest of our provincial laws, it was the duty of myself, and my partner in that service, to peruse the minutes of the council, and the journals of the general assembly, from the glorious revolution, at the accession of king William, to the year 1751: and as an acquaintance with our publick transactions, was a branch of instruction, of which a student for the profession of the law ought not to be ignorant, I have since re-examined those entries, beginning with the first minutes of council, and read over many of the records in the secretary's office. From these authentick materials, the following pages were, in a great measure, compiled. For many of those parts, which concern our affairs with the French and the Indians, antecedent to the peace of Ryswick, in 1697, I am bound to make liberal acknowledgments to Dr. Colden, the author of the history of the Five Nations.

Mr. Alexander, a gentleman eminent in the law, and equally distinguished for his humanity, generosity, great abilities, and honourable stations, supplied me with some useful papers; and has left behind him a collection, that will be very serviceable to any gentleman who may hereafter incline to continue this narrative, through the administrations of Mr. Cosby, and lieutenant governour Clarke. The draught of this work was unfinished, at the time of Mr. Alexander's decease,* and therefore, as it never passed under his examination, many important additions are lost, which his long and intimate acquaintance with the affairs of this province would have enabled him to supply.

When I began to frame this digest, it was only intended for private use; and the motives which now induce me to publish it, are the gratification of the present thirst in Great Britain after American intelligences: contributing, as far as this province is concerned, to an accurate history of the British empire† in this quarter of the world; and the prospect of doing some small service to my country, by laying before the publick a summary account of its first rise and present state.

Influenced by these views, I am not so regardless of the judgment of others, as not to wish it may be, in

* He died on the 2d of April, 1756.

† As the provinces are different in their constitutions, and with respect to government, independent of each other; no general history of America can be expected, till gentlemen of leisure will draw up particular accounts of the respective colonies with which they are acquainted.

some measure, acceptable. To please all sorts of readers I know is impossible : he who writes with such hopes, is a stranger to human nature, and will be infallibly disappointed. My design is rather to inform than please. He who delights only in pages shining with illustrious characters, the contentions of armies, the rise and fall of empires, and other grand events, must have recourse to the great authors of antiquity. A detail of the little transactions, which concern a colony, scant in its jurisdiction, and still struggling with the difficulties naturally attending its infant state, to gentlemen of this taste, can furnish no entertainment. The ensuing narrative, (for it deserves not the name of a history, though for brevity's sake I have given it that title) presents us only a regular thread of simple facts ; and even those unembellished with reflections, because they themselves suggest the proper remarks, and most readers will doubtless be best pleased with their own. The sacred laws of truth have been infringed neither by positive assertions, oblique, insidious, hints, wilful suppressions, or corrupt misrepresentation. To avoid any censures of this kind, no reins have been given to a wanton imagination, for the invention of plausible tales, supported only by light probabilities ; but choosing rather to be honest and dull, than agreeable and false, the true import of my vouchers hath been strictly adhered to and regarded.

With respect to its style, the criticks, in that branch of literature, are at full liberty to condemn at their pleasure. The main use of language is to express our ideas. To write in the gay, pleasing pomp of diction, is above my capacity. If any are disposed to blame me for being too verbose, let it be remembered that

this is the indefeasible right of my profession, founded upon *immemorial* prescription. Perspicuity is all I have endeavoured to maintain, nor am I at leisure to study any higher attainments in language.

HISTORY OF NEW-YORK.



PART I.

*From the Discovery of the Colony to the Surrender
in 1664.*



CHRISTOPHER COLUMBUS, a Genoese, employed by Ferdinand and Isabel, king and queen of Castile, was the first discoverer of America.* He sailed from St. Lucar in August, 1492, and made sight of one of the Bahama islands on the eleventh of October following. Newfoundland and the main continent, were discovered five years after, by Sebastian Gabato, a Venetian, in the service of Henry VII. of England, from the 38th to the 68th degree of north latitude.

On the tenth of April, 1606, king James I. for planting two colonies, passed the great north and south Virginia patent. To Sir Thomas Gates and others, leave was given to begin a plantation, at any place on the continent, they should think convenient, between

* Some authors alledge, that Columbus first offered his services to the republick of Genoa ; then to John II, of Portugal, and afterwards to our king Henry VII ; but this disagrees with Lord Bacon's account, who informs us, that Christopher Columbus sailed, before his brother Bartholomew had laid the project before the king, which was owing to his falling into the hands of pirates on his way to England.

the 34th and 41st degrees of latitude : and all the lands extending fifty miles, on each side, along the coast, one hundred miles into the country, and all the islands within one hundred miles opposite their plantations, were granted in fee, to be called the first colony. By the same patent, a like quantity was granted to Thomas Henham, Esq. and others, for a plantation between 38 and 45 degrees of latitude, under the name of the second colony. The first began a settlement in the great bay, (Chesapeake) in 1607. The latter was planted at Plymouth, in New-England, 1620.

Henry Hudson, an Englishman, according to our authors, in the year 1603,* under a commission from the king his master, discovered Long Island, New-York, and the river which still bears his name ; and afterwards sold the country, or rather his right, to the Dutch. Their writers contend, that Hudson was sent out by the East-India company in 1609, to discover a north west passage to China ; and that having first discovered Delaware bay, he came hither and penetrated up Hudson's river, as far north as the latitude of 43°. It is said, however, that there was a sale, and that the English objected to it, though they for some time neglected to oppose the Dutch settlement of the country.

In 1610, Hudson sailed again from Holland to this country, called by the Dutch, New-Netherland ; and four years after, the States General granted a patent to sundry merchants, for an exclusive trade on the North

* Charlevoix, a French Jesuit, author of the General History of New-France, thinks this discovery was in 1609, vol. I. 12mo. edition, p. 221. But Stith, Douglas, Oldmixon, and other English writers agree that Hudson's first voyage was in the preceding year.

River, who in 1614 built a fort, on the west side, near Albany, which was first commanded by Henry Christiaens. Captain Argal was sent out by sir Thomas Dale, governour of Virginia, in the same year, to dispossess the French of the two towns of Port-Royal and St. Croix, lying on each side of the bay of Fundy in Acadia, then claimed as part of Virginia*. In his return, he visited the Dutch on Hudson's river, who being unable to resist him, prudently submitted for the present to the king of England, and under him to the governour of Virginia. The very next year, they erected a fort on the south-west point of the island Manhattans, and two others in 1623 : one called Good-Hope, on Connecticut river, and the other Nassau, on the east side of Delaware bay. The author of the account of New-Netherland† asserts, that the Dutch purchased the lands on both sides of that river in 1632, before the English were settled in those parts ; and that they discovered a little fresh river, farther to the east, called Varsche Riviertie, to distinguish it from Connecticut river, known among them, by the name of Varsche Rivier, which Vanderdonk also claims for the Dutch.

* Charlevoix places this transaction in 1613. Vol. I. Hist. of New-France, in 12mo, p. 210. But Süth, whom I follow, being a clergyman in Virginia, had greater advantages of knowing the truth than the French Jesuit.

† The pamphlet is entitled, " Beschryvinghe van Virginia, Nieuw Nederland," &c. and was printed at Amsterdam in 1651. It contains two descriptions of the Dutch possessions. The first is a copy of that published by John De Laet, at Leyden. The second gives a view of this country several years after, in 1649. A short representation of the country of the Mahakuase Indians, written in 1644, by John Megapolensis, jun. a Dutch minister residing here, is annexed to that part of the pamphlet concerning New-Netherland.

Determined upon the settlement of a colony, the States General made a grant of the country, in 1621, to the West-India company. Wouter Van Twiller, arrived at Fort-Amsterdam, now New-York, and took upon himself the government in June, 1629. His style, in the patents granted by him, was thus, “ We director and council, residing in New-Netherland on the island Manhattans, under the government of their high mightinesses, the lords States General of the United Netherlands, and the privileged West-India company.” In his time the New-England planters extended their possession Westward as far as Connecticut river. Jacob Van Curlet, the commissary there, protested against it, and in the second year of the succeeding administration, under William Kieft,* who appears first in 1638, a prohibition was issued, forbidding the English trade at fort Good-Hope ; and shortly after, on complaint of the insolence of the English, an order of council was made for sending more forces there, to maintain the Dutch territories. Dr. Mather confesses, that the New-England men first formed their design of settling Connecticut river in 1635, before which time, they esteemed that river, at least 100 miles from any English settlement ; and that they first seated themselves there in 1636, at Hartford, near fort Good-Hope, at Weathersfield, Windsor, and Springfield. Four years after, they seized the Dutch garrison, and drove them from the banks of the river,

* We have no books among our Dutch records remaining in the secretary's office, relating to state matters, before Kieft's time, nor any enrolment of patents, till the year after Van Twiller arrived here. Mr. Jacob Goelet supplied us with several extracts from the Dutch records,

having first settled New-Haven in 1638, regardless of Kieft's protest against it.

The extent of New-Netherland was to Delaware, then called South River, and beyond it; for I find, in the Dutch records, a copy of a letter from William Kieft, May 6, 1638, directed to Peter Minuit*, who seems by the tenour of it, to be the Swedish governour of New-Sweden, asserting, "that the whole South River of New-Netherland, had been in the Dutch possession many years above and below, beset with forts, and sealed with their blood." Which Kieft adds, has happened even during your administration "in New-Netherland, and so well known to you."

The Dutch writers are not agreed in the extent of Nova Belgia, or New-Netherland; some describe it to be from Virginia to Canada; and others inform us, that the arms of the States General were erected at Cape Cod, Connecticut, and Hudson's river, and on the west side of the entrance into Delaware bay. The author of the pamphlet mentioned in the notes gives Canada river for a boundary on the north, and calls the country, north west from Albany, Terra Incognita.

* The anonymous Dutch author of the Description of New-Netherland in 1649, calls him Minnewits; and adds, that in 1638 he arrived at Delaware with two vessels, pretending that he touched for refreshment in his way to the West-Indies; but that he soon threw off the disguise, by employing his men in erecting a fort. The same historian informs us, of the murder of several Dutch men, at South River, by the Indians, occasioned by a quarrel, concerning the taking away the States' arms, which the former had erected at the first discovery of that country; in resenting which an Indian had been killed. If Kieft's letter alludes to this affair, then Minuit preceded Van Twiller, in the chief command here; and being perhaps disobliged by the Dutch, entered into the service of the queen of Sweden.

In 1640, the English, who had overspread the eastern part of Long Island, advanced to Oysterbay. Kieft broke up their settlement in 1642, and fitted out two sloops to drive the English out of Schuylkill, of which the Marylanders had lately possessed themselves. The instructions, dated May 22, to Jan Jansen Alpendam, who commanded in that enterprise, are upon record, and strongly assert the right of the Dutch, both to the soil and trade there. The English from the eastward shortly after sent deputies to New-Amsterdam, for the accommodation of their disputes about limits, to whom the Dutch offered the following conditions, entered in their books exactly in these words :

“ Conditiones á D. Directore Gen. senatuys Novi

“ Belgii, Dominis Weytingh atque Hill, Delegatis

“ a nobili Senatu Hartfordiensi, oblatae :

“ Pro Agro nostro Hartfordiensi, annuo persolvent

“ Præpotentiss. D. D. Ordinibus Fœd. Provinciarum

“ Belgicarum aut eorum Vicariis, decimam Partem

“ *Reventús* Agrorum, tum Aratro, tum Ligone, aliove

“ Cultorum medio ; Pomariis, Hortisq ; Oleribus di-

“ catis, Jugerum Hollandium non excedentibus ex-

“ ceptis ; aut Decimarum Loco, Pretium nobile postea

“ constituendum, tam diu quàm diu possessores ejus-

“ dem Agri futuri erunt. Actum in Arce Amsteloda-

“ mensi in novo Belgio, Die Julii 9 Anno Christi 1642.”

We have no account that the English acceded to these proposals, nor is it probable, considering their superior strength, that they ever did : on the contrary, they daily extended their possessions, and in 1643 the colonies of the Massachusetts' Bay, Plymouth, Connecticut, and New-Haven, entered into a league both against the Dutch and Indians, and grew so powerful

as to meet shortly after, upon a design of extirpating the former. The Massachusetts' Bay declined this enterprise, which occasioned a letter to Oliver Cromwell from William Hooke, dated at New-Haven, November 3, 1653, in which he complains of the Dutch, for supplying the natives with arms and ammunition, begs his assistance with two or three frigates, and that letters might be sent to the eastern colonies, commanding them to join in an expedition against the Dutch colony. Oliver's affairs would not admit of so distant an attempt,* but Richard Cromwell afterwards drew up instructions to his commanders for subduing the Dutch here, and wrote letters to the English American governments for their aid ; copies of which are preserved in Thurloe's collection, vol. 1. p. 721, &c.

Peter Stuyvesant was the last Dutch governour, and

* The war between him and the States, which began in July, 1652, was concluded by a peace on the fifth of April, 1654. The treaty makes no particular mention of this country. If any part of it can be considered as relating to the American possessions, it is to be found in the two first articles, which are in these words : " Imprimis, It is agreed and concluded, that, from this day forwards, there be a true, firm, and inviolable peace, a sincere, intimate and close friendship, affinity, confederacy, and union, betwixt the republick of England and the States General of the United Provinces of the Netherlands, and the lands, countries, cities, and towns, under the dominions of each, without distinction of places, together with their people and inhabitants of whatsoever degree.

" II. That hereafter all enmity, hostility, discord, and contention betwixt the said republicks, and their people and subjects, shall cease, and both parties shall henceforwards abstain from the committing all manner of mischief, plunder, and injuries, by land, by sea, and on the fresh waters, in all their lands, countries, domiuians, places, and governments whatsoever.

though he had a commission in 1646, he did not begin his administration till May 27, 1647. The inroads and claims upon his government, kept him constantly employed. New-England on the east, and Maryland on the west, alarmed his fears by their daily increase ; and about the same time captain Forrester, a Scotchman, claimed Long Island for the dowager of Stirling. The Swedestoo were perpetually incroaching upon Delaware. Through the unskilfulness of the mate, one Deswyck, a Swedish captain and supercargo arrived in Raritan river. The ship was seized, and himself made a prisoner at New-Amsterdam. Stuyvesant's reasons were these. In 1651, the Dutch built fort Casimir, now called Newcastle, on Delaware. The Swedes, indeed, claimed the country, and Printz, their governour, formally protested against the works. Risingh, his successor, under the disguise of friendship, came before the fortress, fired two salutes, and landed thirty men, who were entertained by the commandant as friends ; but he had no sooner discovered the weakness of the garrison, than he made himself master of it, seizing also upon all the ammunition, houses, and other effects of the West-India company, and compelling several of the people to swear allegiance to Christina, queen of Sweden. The Dutch, in 1655, prepared to retake fort Casimir. Stuyvesant commanded the forces in person, and arrived with them in Delaware the 9th of September. A few days after, he anchored before the garrison, and landed his troops. The fortress was immediately demanded as Dutch property : Suen Scutz, the commandant, desired leave to consult Risingh, which being refused, he surrendered the 16th of September on articles of capitulation. The whole strength of the place consisted of four cannon,

fourteen pounders, five swivels, and a parcel of small arms, which were all delivered to the conquered. Fort Christina was commanded by Risingh. Stuyvesant came before it, and Risingh surrendered it upon terms the 25th of September. The country being thus subdued, the Dutch governour issued a proclamation, in favour of such of the inhabitants, as would submit to the new government, and about thirty Swedes swore, "Fidelity and obedience to the States General, the lords directors of the West-India company, their subalterns of the province of New-Netherlands, and the director general then, or thereafter, to be established." Risingh and one Elswych, a trader of note, were ordered to France, or England, and the rest of the Swedish inhabitants to Holland, and from thence to Gottenberg. The Swedes being thus extirpated, the Dutch became possessed of the West side of Delaware bay, now called the three lower counties.

This country was afterwards under the command of lieutenant-governours, subject to the controul of, and commissioned by, the director general at New-Amsterdam. Johan Paul Jaquet was the first vice-director, or lieutenant-governour, of South River. His successors were Alricks, Hinojossa and William Beekman. The posterity of the last remains amongst us to this day. These lieutenants had power to grant lands, and their patents make a part of the ancient titles of the present possessors. Alrick's commission, of the 12th of April, 1657, shews the extent of the Dutch claim on the west side of Delaware at that time. He was appointed "Director general of the colony of the South River of New-Netherlands, and the fortress of Casimir, now called Niewer Amstel, with all the lands depending thereon,

according to the first purchase and deed of release of the natives, dated July 19, 1651, beginning at the west side of the Minquaas, or Christina Kill, in the Indian language named Suspecough, to the mouth of the bay, or river called Bompt-Hook, in the Indian language Cannaresse ; and so far inland as the bounds and limits of the Minquaas land, with all the streams, &c. appurtenances, and dependencies." Of the country northward of the kill, no mention is made. Orders in 1658 were given to William Beekman to purchase Cape Hinlopen from the natives, and to settle and fortify it, which, for want of goods, was not done till the succeeding year.

In the year 1659, fresh troubles arose from the Maryland claim to the lands on South River ; and in September Colonel Nathaniel Utie, as commissioner from Fendal lord Baltimore's governour, arrived at Niewer Amstel from Maryland. The country was ordered to be evacuated, lord Baltimore claiming all the land, between 38 and 40 degrees of latitude, from sea to sea. Beekman and his council demanded evidence of his lordship's right, and offered to prove the States General's grant to the West-India company, their payment to them for the land and possession ; and upon the whole proposed to refer the controversy to the republicks of England and Holland, praying at the same time, three weeks to consult Stuyvesant, the general. The commissioner, notwithstanding, a few days after, warned him to draw off, beyond the latitude of 40° : but Beekman disregarded the threat. Colonel Utie thereupon returned to Maryland, and an immediate invasion was expected.

Early in the spring of the year 1660, Nicholas Var-

Ieth, and Brian Newton, were dispatched from fort Amsterdam to Virginia, in quality of ambassadors, with full power to open a trade, and conclude a league, offensive and defensive against the barbarians. William Berckley, the governour, gave them a kind reception, approved their proposal of peace and commerce, which Sir Henry Moody was sent here to agree upon and perfect. Four articles, to that purpose, were drawn up, and sent to the governour for confirmation. Stuyvesant artfully endeavoured, at this treaty, to procure an acknowledgement of the Dutch title to the country, which Berckley as carefully avoided. This was his answer :

“ SIR,

“ I have received the letter, you were pleased to send me, by Mr. Mills his vessel, and shall be ever ready to comply with you, in all acts of neighbourly friendship and amity. But truly, sir, you desire me to do that, concerning your titles, and claims to land, in this northern part of America, which I am in no capacity to do ; for I am but a servant of the Assembly's : neither do they arrogate any power to themselves, farther than the miserable distractions of England force them to. For when God shall be pleased in his mercy, to take away and dissipate the unnatural divisions of their native country, they will immediately return to their own professed obedience. What then they should do in matters of contract, donation, or confession of right, would have little strength or signification ; much more presumptive and impertinent, would it be in me to do it, without their knowledge or assent. We shall very shortly meet again, and then, if to them you signi-

fy your desires, I shall labour all I can, to get you a satisfactory answer.

“ I am, sir,

“ Your humble servant,

“ WILLIAM BERCKLEY.”

“ Virginia, August 20, 1660.”

Governour Stuyvesant was a faithful servant of the West-India company : this is abundantly proved by his letters to them, exciting their care of the colony. In one, dated April 20, 1660, which is very long and pathetick, representing the desperate situation of affairs on both sides of the New-Netherlands, he writes, “ Your honours imagine, that the troubles in England will prevent any attempt on these parts : alas ! they are ten to one in number to us, and are able without any assistance, to deprive us of the country when they please.” On the 25th of June, the same year, he informs them, “ that the demands, encroachments, and usurpation, of the English, gave the people here great concern. The right to both rivers, says he, by purchase and possession is our own, without dispute. We apprehend, that they, our more powerful neighbours, lay their claims under a royal patent, which we are unable hitherto to do in your name.*” Colonel Utie being unsuccessful the

* If we should argue, from this letter, that the West-India company had no grants of the New-Netherlands, from the States General, as some suppose, we discredit De Laet's History, dedicated to the States in 1624, as well as all the Dutch writers, and even Stuyvesant himself, who, in his letter to Richard Nicolls, at the surrender, asserts that they had a grant, and shewed it under seal to the English deputies. But the genuine construction of the Dutch governour's letter, is this, that in 1660, he had not the patent to the West-India company, to lay before the English in America, who disputed the Dutch right to this country.

last year, in his embassy for the evacuation of the Dutch possessions on Delaware, Lord Baltimore, in autumn, 1660, applied, by captain Neal, his agent, to the West-India company, in Holland, for an order on the inhabitants of South River to submit to his authority, which they absolutely refused, asserting their right to that part of their colony.

The English, from New-England, were every day encroaching upon the Dutch. The following letter, from Stuyvesant to the West-India company, dated July 21, 1661, shews the state of the colony at that time, on both sides. “ We have not yet begun the fort on Long Island, near Oysterbay, because our neighbours lay the boundaries a mile and an half more westerly, than we do, and the more as your honours, by your advice of December 24, are not inclined to stand by the treaty of Hartford, and propose to sue for redress on Long Island and the Fresh Water River, by means of the States’ ambassador. Lord Sterling is said to solicit a confirmation of his right to all Long Island, and importunes the present king, to confirm the grant made by his royal father, which is affirmed to be already obtained. But more probable, and material, is the advice from Maryland, that Lord Baltimore’s patent, which contains the south part of South River, is confirmed by the king, and published in print : that Lord Baltimore’s natural brother, who is a rigid papist, being made governour there, has received Lord Baltimore’s claim, and protest to your honours in council, (wherewith he seems but little satisfied) and has now more hopes of success. We have advice from England, that there is an invasion intended against these parts, and the country solicited of

the king, the duke, and the parliament, is to be annexed to their dominions ; and for that purpose, they desire three or four frigates, persuading the king, that the company possessed and held this country under an unlawful title, having only obtained of king James leave for a watering place on Staten Island, in 1623."

In August 1663, a ship arrived from Holland at South River, with new planters, ammunition, and implements of husbandry. Lord Baltimore's son landed a little after, and was entertained by Beekman at Niewer Amstel. This was Charles, the son of Cecilius, who in 1661, had procured a grant and confirmation of the patent, passed in favour of his father in 1632. The papistical principles of the Baltimore family, the charge of colonizing, the parliamentary war with Charles I. and Oliver's usurpation, all conspired to impede the settlement of Maryland, till the year 1661. And these considerations account for the extension of the Dutch limits, on the west side of Delaware bay.

While the Dutch were contending with their European neighbours, they had the art always to maintain a friendship with the natives, until the war which broke out this year with the Indians at Esopus, now Ulster county. It continued, however, but a short season. The Five Nations never gave them any disturbance, which was owing to their continual wars with the French who settled at Canada in 1603. I have before observed, that Oliver Cromwell was applied to, for his aid in the reduction of this country, and that his son Richard took some steps towards accomplishing the scheme ; the work was however reserved for the reign of Charles II. an indolent prince, and entirely given up to pleasure, who was driven to it, more perhaps, by the differences

then subsisting between England and Holland, than by any motive that might reflect honour upon his prudence, activity, and publick spirit. Before this expedition, the king granted a patent on the 12th of March, 1664, to his brother, the duke of York and Albany, for sundry tracts of land in America, the boundaries of which, because they have given rise to important and animated debates, it may not be improper to transcribe.

“ All that part of the main land of New-England, beginning at a certain place, called or known by the name of St. Croix, next adjoining to New-Scotland in America, and from thence extending along the sea coast, unto a certain place called Pemaquie, or Pemequid, and so up the river thereof, to the furthest head of the same, as it tendeth northward; and extending from thence, to the river of Kimbequin, and so upwards, by the shortest course, to the river Canada northward: and also all that island, or islands, commonly called by the several name or names of Meitowacks, or Long Island, situate and being towards the west of Cape Cod, and the narrow Higansetts, abutting upon the main land, between the two rivers, there called or known by the several names of Connecticut and Hudson's river, together also with the said river, called Hudson's river, and all the land from the West side of Connecticut river, to the east side of Delaware bay, and also, all those several islands, called or known by the names of Martin's Vineyard, or Nantuck's, otherwise Nantucket: together, &c. ”

Part of this tract was conveyed by the duke, to John lord Berkley, baron of Stratton, and sir George Carteret of Saltrum in Devon, who were then members of the king's council. The lease was for the considera-

tion of ten shillings, and dated the 23d of June, 1664. The release, dated the next day, mentions no particular sum of money, as a consideration for the grant of the lands, which have the following description :

“ All that tract of land, adjacent to New-England, and lying and being to the westward of Long Island, and bounded on the east part by the main sea, and partly by Hudson’s river ; and hath upon the west, Delaware bay, or river, and extendeth southward, to the main ocean as far as Cape May, at the mouth of Delaware bay : and to the northward, as far as the northermost branch of the said bay or river of Delaware, which is forty one degrees and forty minutes of latitude : which said tract of land is hereafter to be called by the name, or names of Nova Cæsarea, or New-Jersey.”

Thus the New-Netherlands became divided into New-Jersey, so called after the isle of Jersey, in compliment to sir George Carteret, whose family came from thence ; and New-York, which took its name in honour of the duke of York.

The Dutch inhabitants, by the vigilance of their governour, were not unapprised of the designs of the English court against them, for their records testify, that on the 8th of July, “ The general received intelligence, from one Thomas Willet, an Englishman, that an expedition was preparing in England, against this place, consisting of two frigates of 40 and 50 guns, and a fly boat of 40 guns, having on board three hundred soldiers, and each frigate one hundred and fifty men, and that they lay at Portsmouth, waiting for a wind.” News arrived also from Boston, that they had already set sail. The burgomasters were thereupon called into

council. The fortress was ordered to be put into a posture of defence, and spies sent to Milford and Westchester for intelligence. Boston was in the secret of the expedition, for the general court had in May preceding, passed a vote for a supply of provisions, towards refreshing the ships on their arrival. They were four in number, and resolved to rendezvous at Gardener's Island in the Sound, but parted in a fog about the 20th of July. Richard Nicolls and Sir George Carteret, two of the commissioners, were on board the Guyny, and fell in first with Cape Cod. The winds having blown from the southwest, the other ships, with Sir Robert Carr, and Mr. Mavenick, the remaining commissioners, were rightly concluded, to be driven to the eastward. After dispatching a letter to Mr. Winthrop, the governor of Connecticut, requesting his assistance, Colonel Nicolls, proceeded to Nantasket, and thence to Boston. The other ships got into Piscataway. John Endicot, a very old man, was then governor of Boston, and incapable of business. The commissioners, therefore, had a conference with the council, and earnestly implored the assistance of that colony. Colonel Nicolls and Sir George Carteret, in their letter from Boston, to Sir H. Bennet, secretary of state, complain much of the backwardness of that province. The reasons urged in their excuse, were poverty and the season, it being the time of harvest ; but perhaps disaffection to the Stewart family, whose persecuting fury had driven them from their native country, was the true spring of their conduct. The king's success in the reduction of the Dutch, evidently opened him a door to come at his enemies in New-England, who were far from being

few* ; and whether this consideration might not have given rise to the project itself, I leave to the conjectures of others.

On the 27th of July, Nicolls and Carteret made a formal request in writing, "That the government of Boston would pass an act to furnish them with armed men, who should begin their march to the Mannhattans, on the 20th of August ensuing, and promised, that if they could get other assistance, they would give them an account of it." The governour and council answered, that they would assemble the general court, and communicate the proposal to them.

From Boston, a second letter was written to governour Winthrop, in Connecticut, dated the 29th of July, in which he was informed that the other ships were then arrived, and would sail with the first fair wind, and he was desired to meet them at the west end of Long Island.

One of the ships entered the bay of the North River, several days before the rest ; and as soon as they were all come up, Stuyvesant sent a letter dated $\frac{1}{3}$ of August, at Fort Anil, directed to the commanders of the English frigates, by John Declyer, one of the chief council, the Rev. John Megapolensis, minister, Paul

* T. Dixwel, Esq. one of Charles' I. judges, and excepted out of the general pardon, lived many years at New-Haven, incog. in quality of a country merchant : Sir Edmond Andross, in one of his tours through the colony of Connecticut, saw him there at church, and strongly suspected him to be one of the regicides. In his last illness, he revealed himself to the minister of the town, and ordered a small stone to be set at the head of his grave, which I have often seen there, inscribed T. D: Esq.. While at New-Haven, he went under the name of John Davis.

Lunder Vander Grilft, major, and Mr. Samuel Megapolensis, doctor in physic, with the utmost civility, to desire the reason of their approach, and continuing in the harbour of Naijarlij, without giving notice to the Dutch, which (he writes) they ought to have done.

Colonel Nicolls answered the next day with a summons.

“ To the honourable the governour, and chief council at the Manhattans.

“ Right worthy sirs,

“ I received a letter by some worthy persons intrusted by you, bearing date the $\frac{1}{30}$ of August, desiring to know the intent of the approach of the English frigates; in return of which, I think it fit to let you know, that his majesty of Great Britain, whose right and title to these parts of America is unquestionable, well knowing how much it derogates from his crown and dignity, to suffer any foreigners, how near soever they be allied, to usurp a dominion, and without his majesty's royal consent, to inherit in these, or any other of his majesty's territories, hath commanded me, in his name, to require a surrender of all such forts, towns, or places of strength, which are now possessed by the Dutch, under your commands; and in his majesty's name, I do demand the town, situate on the island, commonly known by the name of Manhattoes, with all the forts thereunto belonging, to be rendered unto his majesty's obedience and protection, into my hands. I am further commanded to assure you, and every respective inhabitant of the Dutch nation, that his majesty being tender of the effusion of Christian blood, doth by these presents, confirm and secure to every man his estate, life, and liberty, who shall readily submit to his govern-

ment. And all those who shall oppose his majesty's gracious intention, must expect all the miseries of a war, which they bring upon themselves. I shall expect your answer by these gentlemen, Colonel George Carteret, one of his majesty's commissioners in America; Captain Robert Needham, Captain Edward Groves, and Mr. Thomas Delavall, whom you will entertain with such civility as is due to them, and yourselves, and yours shall receive the same, from

"Dated on board his majesty's ship, the Guyny, riding before Naych, the $\frac{30}{11}$ of Aug. 1664.

Worthy sirs,

Your very humble servant,

Richard Nicolls."

Mr. Stuyvesant promised an answer to the summons the next morning, and in the mean time convened the council and burgomasters. The Dutch governour was a good soldier, and had lost a leg in the service of the States. He would willingly have made a defence; and refused a sight of the summons, both to the inhabitants and burgomasters, lest the easy terms offered, might induce them to capitulate. The latter, however, insisted upon a copy, that they might communicate it to the late magistrates and principal burghers. They called together the inhabitants at the stadt house, and acquainted them with the governour's refusal. Governour Winthrop, at the same time, wrote to the director and his council, strongly recommending a surrender. On the 22d of August, the burgomasters came again into council, and desired to know the contents of the English message from Governour Winthrop, which Stuyvesant still refused. They continued their importunity; and he, in a fit of anger, tore it to pieces: upon which, they protested against the act and all its consequences.

Determined upon a defence of the country, Stuyvesant wrote a letter in answer to the summons, which, as it is historical of the Dutch claim, will doubtless be acceptable to the reader. The following is an exact transcript of the record.

“ My Lords,

“ Your first letter, unsigned, of the $\frac{20}{31}$ August, together with that of this day, signed according to form, being the first of September, have been safely delivered into our hands by your deputies, unto which we shall say, That the rights of his majesty of England, unto any part of America hereabout, amongst the rest, unto the colonies of Virginia, Maryland, or others in New-England, whether disputable or not, is that which for the present, we have no design to debate upon. But that his majesty hath an indisputable right, to all the lands in the north parts of America, is that, which the kings of France and Spain will disallow, as we absolutely do, by virtue of a commission given to me, by my lords, the high and mighty States General, to be governor general over New-Holland, the Isles of Curacoa, Bonaire, Aruba, with their appurtenances and dependencies, bearing date the 26th July, 1646. As also by virtue of a grant and commission, given by my said lords, the high and mighty States General, to the West-India company, in the year 1621, with as much power and as authentick, as his said majesty of England hath given, or can give, to any colony in America, as more fully appears by the patent and commission of the said lords, the States General, by them signed, registered, and sealed with their great seal, which were shewed to your deputies, Colonel George Carteret, Captain Robert Needham, Captain Edward Groves, and Mr. Tho-

mas Delavall ; by which commission and patent, together (to deal frankly with you) and by divers letters, signed and sealed by our said lords, the States General, directed to several persons, both English and Dutch, inhabiting the towns and villages on Long Island, (which without doubt, have been produced before you, by those inhabitants) by which they are declared and acknowledged to be their subjects, with express command, that they continue faithful unto them, under penalty of incurring their utmost displeasure, which makes it appear more clear than the sun at noon day, that your first foundation, viz. (that the right and title of his majesty of Great Britain, to these parts of America is unquestionable) is absolutely to be denied. Moreover, it is without dispute, and acknowledged by the world, that our predecessors, by virtue of the commission and patent of the said lords, the States General, have without controul and peaceably (the contrary never coming to our knowledge) enjoyed Fort Orange, about 48 or 50 years, the Mannhattans about 41 or 42 years, the South River 40 years, and the Fresh Water River about 36 years. Touching the second subject of your letter, viz. "his majesty hath commanded me, in his name, to require a surrender of all such forts, towns, or places of strength, which now are possessed by the Dutch, under your command ;" we shall answer, that we are so confident of the discretion and equity of his majesty of Great Britain, that in case his majesty were informed of the truth, which is, that the Dutch came not into these provinces, by any violence, but by virtue of commissions from my lords, the States General, first of all in the years 1614, 1615 and 1616, up the North River, near Fort Orange, where, to hinder the

invasions and massacres, commonly committed by the savages, they built a little fort, and after, in the year 1622, and even to this present time, by virtue of commission and grant, to the governours of the West-India company ; and moreover, in the year 1656, a grant to the honourable the burgomasters of Amsterdam, of the South River ; insomuch, that by virtue of the above-said commissions from the high and mighty States General, given to the persons interested as aforesaid, and others, these provinces have been governed, and consequently enjoyed, as also in regard of their first discovery, uninterrupted possessions, and purchase of the lands of the princes, natives of the country, and other private persons (though gentiles) we make no doubt, that if his said majesty of Great Britain, were well informed of these passages, he would be too judicious to grant such an order, principally in a time when there is so straight a friendship, and confederacy, between our said lords and superiors, to trouble us in the demanding and summons of the places and fortresses, which were put into our hands, with order to maintain them, in the name of the said lords, the States General, as was made appear to your deputies, under the names and seal of the said high and mighty States General, dated the 28th of July, 1646. Besides what had been mentioned, there is little probability, that his said majesty of England (in regard to the articles of peace are printed, and were recommended to us to observe seriously and exactly, by a letter written to us by our said lords, the States General, and to cause them to be observed religiously in this country) would give order touching so dangerous a design, being also so apparent, that none other than my said lords, the States General, have any right

to these provinces, and consequently, ought to command and maintain their subjects, and in their absence, we the governour general are obliged to maintain their rights, and to repel and take revenge of all threatenings, unjust attempts, or any force whatsoever, that shall be committed against their faithful subjects and inhabitants, it being a very considerable thing, to affront so mighty a state, although it were not against an ally and confederate. Consequently, if his said majesty (as it is fit) were well informed, of all that could be spoken upon this subject, he would not approve of what expressions were mentioned in your letter ; which are, that you are commanded by his majesty, to demand in his name, such places and fortresses as are in the possession of the Dutch under my government ; which, as it appears by my commission before mentioned, was given me by my lords, the high and mighty States General. And there is less ground in the express demand of my government, since all the world knows, that about three years ago, some English frigates being on the coast of Africa, upon a pretended commission, they did demand certain places under the government of our said lords, the States General, as Cape Vert, River of Gambo, and all other places in Guyny, to them belonging. Upon which, our said lords, the States General, by virtue of the articles of peace, having made appear the said attempt to his majesty of England, they received a favourable answer, his said majesty disallowing all such acts of hostility, as might have been done, and besides, gave order, that restitution should be made, to the East-India company, of whatsoever had been pillaged, in the said river of Gambo ; and likewise restored them to their trade, which makes us think it necessary,

that a more express order should appear unto us, as a sufficient warrant for us, towards my lords, the high and mighty States General, since by virtue of our said commission, we do in these provinces, represent them, as belonging to them, and not to the king of Great Britain, except his said majesty, upon better grounds, makes it appear to our said lords, the States General, against which they may defend themselves, as they shall think fit. To conclude: We cannot but declare unto you, though the governours and commissioners of his majesty have divers times quarrelled with us, about the bounds of the jurisdiction, of the high and mighty the States General, in these parts, yet they never questioned their jurisdiction itself; on the contrary, in the year 1650, at Hartford, and the last year at Boston, they treated with us upon this subject, which is a sufficient proof, that his majesty hath never been well informed of the equity of our cause, insomuch as we cannot imagine, in regard of the articles of peace, between the crown of England and the States General, (under whom there are so many subjects in America, as well as Europe) that his said majesty of Great Britain would give a commission to molest and endamage the subjects of my said lords, the States General, especially such, as ever since fifty, forty, and the latest thirty-six years, have quietly enjoyed their lands, countries, forts, and inheritances; and less, that his subjects would attempt any acts of hostility, or violence against them: and in case that you will act by force of arms, we protest and declare, in the name of our said lords, the States General, before GOD and MEN, that you will act an unjust violence, and a breach of the articles of peace, so solemnly sworn, agreed upon, and ratified by his majesty

ty of England, and my lords, the States General, and the rather, for that to prevent the shedding of blood, in the month of February last, we treated with Captain John Scott, (who reported he had a commission from his said majesty) touching the limits of Long Island, and concluded for the space of a year ; that in the mean time, the business might be treated on between the king of Great Britain, and my lords, the high and mighty States General : and again, at present, for the hindrance and prevention of all differences, and the spilling of innocent blood, not only in these parts, but also in Europe, we offer unto you, a treaty by our deputies, Mr. Cornelius Van Ruyven, secretary, and receiver of New-Holland, Cornelius Steenwyck, burgomaster, Mr. Samuel Megapolensis, doctor of physic, and Mr. James Cousseau, heretofore sheriff. As touching the threats in your conclusion we have nothing to answer, only that we fear nothing, but what God (who is as just as merciful) shall lay upon us ; all things being in his gracious disposal, and we may as well be preserved by him, with small forces, as by a great army, which makes us to wish you all happiness and prosperity, and recommend you to his protection. My lords, your thrice humble, and affectionate servant and friend, signed, P. Stuyvesant.—At the fort at Amsterdam, the second of September, new style, 1664.”

While the Dutch governour and council were contending with the burgomasters and people in the city, the English commissioners published a proclamation* in

* It was in these words : “ Forasmuch as his majesty hath sent us by commission under the great seal of England, amongst other things, to expel, or to reduce to his majesty’s obedience, all such foreigners,

the country, encouraging the inhabitants to submit, and promising them the king's protection and all the privileges of subjects ; and as soon as they discovered by Stuyvesant's letter, that he was averse to the surrender, officers were sent to beat up for volunteers in Middleborough, Ulissen, Jamaica, and Hempsted. A warrant was also issued to Hugh Hide, who commanded the squadron, to prosecute the reduction of the fort ; and an English ship then trading here, was pressed into the service. These preparations induced Stuyvesant to write another letter, on the 25th of August, old style, wherein, though he declares that he would stand the storm, yet to prevent the spilling of blood, he had sent John De Decker, counsellor of state, Cornelius Van Ruyven, secretary and receiver, Cornelius Steenwyck, major, and James Cousseau, sheriff, to consult, if possible, an accommodation. Nicolls, who knew the disposition of the people, answered immediately from Gravesend, that he would treat about nothing but a surrender. The Dutch governour, the next day, agreed to a treaty

as without his majesty's leave and consent, have seated themselves amongst any of his dominions in America, to the prejudice of his majesty's subjects, and diminution of his royal dignity ; we his said majesty's commissioners, do declare and promise, that whosoever, of what nation soever, will, upon knowledge of this proclamation, acknowledge and testify themselves, to submit to this his majesty's government, as his good subjects, shall be protected in his majesty's laws and justice, and peaceably enjoy whatsoever God's blessing, and their own honest industry, have furnished them with ; and all other privileges, with his majesty's English subjects. We have caused this to be published, that we might prevent all inconveniencies to others, if it were possible ; however, to clear ourselves from the charge of all those miseries, that may any way befall such as live here, and will [not] acknowledge his majesty for their sovereign, whom God preserve."

and surrender, on condition the English and Dutch limits in America, were settled by the crown and the States General. The English deputies were Sir Robert Carr, George Carteret, John Winthrop, governour of Connecticut, Samuel Wyllys, one of the assistants or council of that colony, and Thomas Clarke, and John Pynchon, commissioners from the general court of the Massachusetts' bay, who, but a little before, brought an aid from that province. What these persons agreed upon, Nicolls promised to ratify. At eight o'clock in the morning, of the 27th of August, 1664, the commissioners, on both sides, met at the governour's farm, and there signed the following articles of capitulation.

These articles following were consented to by the persons here under subscribed, at the governour's bowery, August the 27th, old style, 1664.

I. "We consent, that the States General, or the West-India company, shall freely enjoy all farms and houses (except such as are in the forts) and that within six months, they shall have free liberty to transport all such arms and ammunition, as now does belong to them, or else they shall be paid for them.

II. "All publick houses shall continue for the uses which they are for.

III. "All people shall still continue free denizens, and shall enjoy their lands, houses, goods, wheresoever they are within this country, and dispose of them as they please.

IV. "If any inhabitant have a mind to remove himself, he shall have a year and six weeks from this day, to remove himself, wife, children, servants, goods, and to dispose of his lands here.

V. " If any officer of state, or publick minister of state, have a mind to go for England, they shall be transported fraught free, in his majesty's frigates, when these frigates shall return thither.

VI. " It is consented to, that any people may freely come from the Netherlands, and plant in this colony, and that Dutch vessels may freely come hither, and any of the Dutch may freely return home, or send any sort of merchandize home, in vessels of their own country.

VII. " All ships from the Netherlands, or any other place, and goods therein, shall be received here, and sent hence, after the manner which formerly they were before our coming hither, for six months next ensuing.

VIII. " The Dutch here shall enjoy the liberty of their consciences in divine worship and church discipline.

IX. " No Dutchman here, or Dutch ship here, shall upon any occasion, be pressed to serve in war against any nation whatsoever.

X. " That the townsmen of the Manhattans, shall not have any soldiers quartered upon them, without being satisfied and paid for them by their officers, and that at this present, if the fort be not capable of lodging all the soldiers, then the burgomasters, by their officers, shall appoint some houses capable to receive them.

XI. " The Dutch here shall enjoy their own customs concerning their inheritances.

XII. " All publick writings and records, which concern the inheritances of any people, or the reglement of the church or poor, or orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly concern the States General, may at any time be sent to them.

XIII. " No judgment that has passed any judicature here, shall be called in question, but if any conceive that he hath not had justice done him, if he apply himself to the States General, the other party shall be bound to answer for the supposed injury.

XIV. " If any Dutch, living here, shall at any time desire to travel or traffick into England, or any place, or plantation, in obedience to his majesty of England, or with the Indians, he shall have (upon his request to the governour) a certificate that he is a free denizen of this place, and liberty to do so.

XV. " If it do appear, that there is a publick engagement of debt, by the town of Manhattoes, and a way agreed upon for the satisfying that engagement, it is agreed, that the same way proposed shall go on, and that the engagement shall be satisfied.

XVI. " All inferior civil officers and magistrates, shall continue as now they are, (if they please) till the customary time of new elections, and then new ones to be chosen by themselves, provided that such new chosen magistrates shall take the oath of allegiance to his majesty of England, before they enter upon their office.

XVII. " All differences of contracts and bargains made before this day, by any in this country, shall be determined, according to the manner of the Dutch.

XVIII. " If it do appear, that the West-India company of Amsterdam, do really owe any sums of money to any persons here, it is agreed that recognition, and other duties payable by ships going for the Netherlands, be continued for six months longer.

XIX. " The officers military, and soldiers, shall march out with their arms, drums beating, and colours flying, and lighted matches ; and if any of them will plant, they shall have fifty acres of land set out for them ; if any of them will serve as servants, they shall continue with all safety, and become free denizens afterwards.

XX. " If at any time hereafter, the king of Great Britain, and the States of the Netherlands do agree that this place and country be redelivered into the hands of the said States, whensoever his majesty will send his commands to redeliver it, it shall immediately be done.

XXI. " That the town of Manhattans shall choose deputies, and those deputies shall have free voices in all publick affairs, as much as any other deputies.

XXII. " Those who have any property in any houses in the fort of Aurania, shall (if they please) slight the fortifications there, and then enjoy all their houses, as all people do where there is no fort.

XXIII. " If there be any soldiers that will go into Holland, and if the company of West-India in Amsterdam, or any private persons here, will transport them into Holland, then they shall have a safe passport from Colonel Richard Nicolls, deputy governour under his royal highness, and the other commissioners, to defend the ships that shall transport such soldiers, and all the goods in them, from any surprisal or acts of hostility, to be done by any of his majesty's ships or subjects. That the copies of the king's grant to his royal highness, and the copy of his royal highness' commission to Colonel Richard Nicolls, testified by two commissioners more, and Mr. Winthrop, to be true copies, shall be delivered to the honourable Mr. Stuyvesant, the

present governour, on Monday next by eight of the clock in the morning, at the Old Miln, and these articles consented to, and signed by Colonel Richard Nicolls, deputy governour to his royal highness, and that within two hours after the fort and town called New-Amsterdam, upon the isle of Manhattoes, shall be delivered into the hands of the said Colonel Richard Nicolls by the service of such as shall be by him thereunto deputed, by his hand and seal.

“ John De Decker, Nich. Verleett, Sam. Megapolensis, Cornelius Steenwyck, Oloffte Stevens Van Kortlant, James Cousseau, Robert Carr, Geo. Carteret, John Winthrop, Sam. Willys, Thomas Clarke, John Pynchon.

“I do consent to these articles,

Richard Nicolls.”

These articles, favourable as they were to the inhabitants, were however very disagreeable to the Dutch governour; and he therefore refused to ratify them, till two days after they were signed by the commissioners.

The town of New-Amsterdam, upon the reduction of the island Manhattans, took the name of New-York.* It consisted of several small streets, laid out in the year 1656, and was not inconsiderable for the number of its houses and inhabitants. The easy terms of the capitulation, promised their peaceable subjection to the new government; and hence we find, that in two days after the surrender, the Boston aid was dismissed, with the thanks of the commissioners to the general court. Hudson's and the South River were, however, still to be reduced. Sir Robert Carr commanded the expedition

* Vide conclusion of this volume:

on Delaware, and Carteret was commissioned to subdue the Dutch at Fort Orange. The garrison capitulated on the 24th of September, and he called it Albany, in honour of the duke. While Carteret was here, he had an interview with the Indians of the Five Nations, and entered into a league of friendship with them, which remarkably continues to this day.* Sir Robert Carr was equally successful on South River, for he compelled both the Dutch and Swedes to capitulate and deliver up their garrisons the first of October, 1664 ; and that was the day in which the whole New-Netherlands became subject to the English crown. Very few of the inhabitants thought proper to remove out of the country. Governour Stuyvesant himself, held his estate, and died here. His remains were interred in a chapel, which he had erected on his own farm, at a small distance from the city, now possessed by his grandson, Gerardus Stuyvesant, a man of probity, who has been elected into the magistracy, above thirty years successively. Justice obliges me to declare, that for loyalty to the present reigning family, and a pure attachment to the protestant religion, the descendants of the Dutch planters are perhaps exceeded by none of his majesty's subjects.

* The Dutch were sensible of the importance of preserving an uninterrupted amity with those Indians, for they were both very numerous and warlike. The French pursued quite different measures, and the irruptions of those tribes, according to their own authors, have often reduced Canada to the brink of ruin.



HISTORY OF NEW-YORK.

PART II.

From the Surrender in 1664, to the Settlement at the Revolution.

RICHARD NICOLLS being now possessed of the country, took the government upon him, under the style of "deputy governour under his royal highness the duke of York, of all his territories in America." During his short continuance here, he passed a vast number of grants and confirmations of the ancient Dutch patents, the profits of which must have been very considerable. Among these, no one has occasioned more animated contention, than that called the **Elizabethtown** grant, in New-Jersey ; which, as it relates to another colony, I should not have mentioned, but for the opportunity to caution the reader against a representation of that controversy contained in Douglass' summary. I have sufficient reasons to justify my charging that account with partiality and mistakes ; and for proofs, refer to the printed answer in chancery, published in the year 1751.

Besides the chief command of this province, Nicolls had a joint power * with Sir Robert Carr, Carteret, and

* The commission from king Charles II. was dated the 26th of April, 1664. After a recital of disputes concerning limits in New-

Maverick, to settle the contested boundaries of certain great patents. Hence we find, that three of them had a conference with several gentlemen from Connecticut, respecting the limits of this and that colony. The result was an adjudication, in these words :

“ By virtue of his majesty’s commission, we have heard the difference, about the bounds of the patents granted to his royal highness the duke of York, and his majesty’s colony of Connecticut, and having deliberately considered all the reasons alledged by Mr. Allen, sen. Mr. Gold, Mr. Richards, and Captain Winthrop, appointed by the assembly held at Hartford, the thirteenth of October, 1664, to accompany John Winthrop, Esq ; the governour of his majesty’s colony of Connecticut to New-York, and to agree upon the bounds of the said colony, why the said Long Island should be under the government of Connecticut, which are too long here to be recited, we do declare and order, that the southern bounds of his majesty’s colony of Connecticut, is the sea, and that Long Island is to be under the government of his royal highness the duke of York, as is expressed by plain words, in the said patents, respectively, and also by virtue of his majesty’s commission, and the consent of both the governours and the gentlemen above-named. We also order and declare, that the creek, or river called Mamaroneck, which is reputed to be about thirteen miles to the east of Westchester, and a line

England, and that addresses had been sent home from the Indian natives, complaining of abuses received from the English subjects ; the commissioners, or any three or two of them, of which Nicolls was to be one, were authorised to visit the New-England colonies, and determine all complaints military, civil and criminal, according to their discretion, and such instructions as they might receive from the crown.

drawn from the east point or side, where the fresh water falls into the salt, at high water mark, north north-west to the line of the Massachusetts, be the western bounds of the said colony of Connecticut, and all plantations lying westward of that creek and line so drawn, to be under his royal highness' government ; and all plantations lying eastward of that creek and line, to be under the government of Connecticut. Given under our hands, at James' fort in New-York, on the island of Manhattan, this first day of December, 1664.

Richard Nicolls,
George Carteret,
S. Maverick."

" We the governour and commissioners of the general assembly of Connecticut, do give our consent to the limits and bounds abovementioned, as witness our hands,

..... Gold,
John Winthrop, jun.
John Winthrop, sen.
Allen, sen.
Richards."

At the time of this determination, about two thirds of Long Island were possessed by people from New-England, who had gradually encroached upon the Dutch. As to the settlement between New-York and Connecticut, on the main, it has always been considered by the former, as founded upon ignorance and fraud.* The station at Mamaroneck was about thirty miles from New-York, from Albany one hundred and fifty.

* The town of Rye was settled under Connecticut, and the grant from that colony is bounded by this line of division.

The general course of the river is about north 12 or 15° east: and hence it is evident, that a north north-west line will soon intersect the river, and consequently leave the Dutch country, but a little before surrendered to Colonel Carteret, out of the province of New-York. It has been generally esteemed that the Connecticut commissioners in this affair, took advantage of the duke's agents, who were ignorant of the geography of the country.

About the close of the year, the estate of the West-India company was seized and confiscated, hostilities being actually commenced in Europe as well as America, though no declarations of war had yet been published by either of the contending parties. A great dispute between the inhabitants of Jamaica on Long Island, which was adjusted by Colonel Nicolls, on the second of January, 1665, gave rise to a salutary institution, which has in part obtained ever since. The controversy respected Indian deeds, and thenceforth it was ordained, that no purchase from the Indians, without the governour's licence, executed in his presence, should be valid. The strength and number of the natives rendered it necessary to purchase their rights; and to prevent their frequent selling the same tract, it was expedient that the bargain should be attended with some considerable solemnity.

Another instance of Colonel Nicolls' prudence, was his gradual introduction of the English methods of government. It was not till the 12th of June, this year, that he incorporated the inhabitants of New-York, under the care of a mayor, five aldermen, and a sheriff. Till this time, the city was ruled by a scout, burgo-masters, and schepens.

In March preceding, there was a great convention, before the governour at Hempsted, of two deputies from every town on Long Island, empowered to bind their constituents. The design of their meeting was to adjust the limits of their townships for the preservation of the publick peace.

The war being proclaimed at London, on the fourth of this month, Nicolls received the account of it in June, with a letter from the lord chancellor, informing him, that De Ruyter, the Dutch admiral, had orders to visit New-York. His lordship was misinformed, or the admiral was diverted from the enterprize, for the English peaceably held the possession of the country during the whole war, which was concluded on the 21st of July, 1667, by the treaty of Breda. Some are of opinion, that the exchange made with the Dutch for Surinam, which they had taken from us, was advantageous to the nation ; but these judges do not consider that it would have been impossible for the Dutch to have preserved this colony against the increasing strength of the people in New-England, Maryland, and Virginia.

After an administration of three years, Nicolls returned to England. The time during his short residence here, was almost wholly taken up in confirming the ancient Dutch grants. He erected no courts of justice, but took upon himself the sole decision of all controversies whatsoever. Complaints came before him by petition ; upon which he gave a day to the parties, and after a summary hearing, pronounced judgment. His determinations were called edicts, and executed by the sheriffs he had appointed. It is much to his honour, that notwithstanding all this plenitude of power, he governed the province with integrity and moderation. A

representation from the inhabitants of Long Island, to the general court of Connecticut, made about the time of the revolution, commends him as a man of an easy and benevolent disposition ; and this testimonial is the more to be relied upon, because the design of the writers, was by a detail of their grievances, to induce the colony of Connecticut to take them under its immediate protection.

Francis Lovelace, a colonel, was appointed by the duke, to succeed Nicolls in the government of the province, which he began to exercise in May, 1667. As he was a man of great moderation, the people lived very peaceably under him, till the re-surrender of the colony, which put an end to his power, and is the only event. that signalized his administration.

The ambitious designs of Louis XIV. against the Dutch, gave rise to our war with the States General in 1672. Charles II. a prince sunk in pleasures, profligate, and poor, was easily detached from his alliance with the Dutch, by the intrigues and pecuniary promises of the French king. The following passage from a fine writer*, shews that his pretences for entering into the war, were perfectly groundless and trifling.

“ The king of England, on his side, reproached them with disrespect, in not directing their fleet to lower the flag before an English ship ; and they were also accused in regard to a certain picture, wherein Cornelius De Witt, brother to the pensionary, was painted with the attributes of a conqueror. Ships were represented in the back ground of the piece, either taken or burnt. Cornelius De Witt, who had really had a great share in

* Voltaire's age of Lewis XIV.

the maritime exploits against England, had permitted this trifling memorial of his glory: but the picture, which was in a manner unknown, was deposited in a chamber wherein scarce any body ever entered. The English ministers, who presented the complaints of their king against Holland, in writing, therein mentioned certain *abusive pictures*. The states, who always translated the memorials of ambassadours into French, having rendered *abusive*, by the words *fautifs trompeurs*, they replied, that they did not know what these *roguish pictures*, (*ces tableaux trompeurs*) were. In reality, it never in the least entered into their thoughts, that it concerned this portrait of one of their citizens, nor did they ever conceive this could be a pretence for declaring war."

A few Dutch ships arrived the year after on the 30th of July, under Staten Island, at the distance of a few miles from the city of New-York. John Manning, a captain of an independent company, had at that time the command of the fort, and by a messenger sent down to the squadron, treacherously made his peace with the enemy. On that very day the Dutch ships came up, moored under the fort, landed their men, and entered the garrison, without giving or receiving a shot. A council of war was afterwards held at the stadt house, at which were present

Cornelius Evertse, jun.	} <i>Commodores,</i>
Jacob Benkes,	
Anthony Colve,	} <i>Captains.</i>
Nicholas Bowes,	
Abm. Ferd. Van Zyll,	

All the magistrates and constables from East Jersey, Long Island, Esopus, and Albany, were immediately

summoned to New-York ; and the major part of them swore allegiance to the States General, and the prince of Orange. Colonel Lovelace was ordered to depart the province, but afterwards obtained leave to return to England with Commodore Benkes. It has often been insisted on, that this conquest did not extend to the whole province of New-Jersey ; but upon what foundation I cannot discover. From the Dutch records it appears, that deputies were sent by the people inhabiting the country, even so far westward as Delaware River, who in the name of their principals, made a declaration of their submission ; in return for which, certain privileges were granted to them, and three judicatories erected at Niewer Amstel, Upland, and Hoer Kill. Colve's commission to be governour of this country is worth printing, because it shews the extent of the Dutch claims. The translation runs thus :

“ The honourable and awful council of war, for their high mightinesses the States General of the United Netherlands, and his serene highness the prince of Orange, over a squadron of ships, now at anchor in Hudson's River, in New-Netherlands. To all those who shall see or hear these, greeting. As it is necessary to appoint a fit and able person, to carry the chief command over this conquest of New-Netherlands, with all its appendencies and dependencies, from Cape Hinlopen on the south side of the South or Delaware bay, and fifteen miles more southerly, with the said bay and South River included ; so as they were formerly possessed by the directors of the city of Amsterdam, and after by the English government, in the name and right of the duke of York ; and further from the said cape Hinlopen, along the Great Ocean, to the east end

of Long Island, and Shelter Island ; from thence westward to the middle of the Sound, to a town called Greenwich, on the main, and to run landward in, northerly ; provided that such line shall not come within ten miles of North River, conformable to a provincial treaty made in 1650, and ratified by the States General, February 23, 1656, and January 23, 1664 ; with all lands, islands, rivers, lakes, kills, creeks, fresh and salt waters, fortresses, cities, towns, and plantations therein comprehended. So it is, that we being sufficiently assured of the capacity of Anthony Colve, captain of a company of foot, in the service of their high mightinesses, the States General of the United Netherlands, and his serene highness the prince of Orange, &c. By virtue of our commission, granted us by their before mentioned high mightinesses and his highness, have appointed and qualified, as we do by these presents appoint and qualify, the said Captain Anthony Colve, to govern and rule these lands, with the appendencies and dependencies thereof, as governour general ; to protect them from all invasions of enemies, as he shall judge most necessary ; hereby charging all high and low officers, justices, and magistrates, and others in authority, soldiers, burghers, and all the inhabitants of this land, to acknowledge, honour, respect and obey, the said Anthony Colve, as governour general ; for such we judge necessary, for the service of the country, waiting the approbation of our principals. Thus done at fort William Hendrick, the 12th day of August, 1673.

“ Signed by

Jacob Benkes,

Cornelius Evertse, jun.”

The Dutch governour enjoyed his office but a very short season, for on the 9th of February, 1674, the trea-

ty of peace between England and the States General was signed at Westminster ; the sixth article of which, restored this country to the English. The terms of it were generally, " That whatsoever countries, islands, towns, ports, castles, or forts, have or shall be taken on both sides, since the time that the late unhappy war broke out, either in Europe or elsewhere, shall be restored to the former lord and proprietor, in the same condition they shall be in, when the peace itself shall be proclaimed ; after which time, there shall be no spoil nor plunder of the inhabitants, no demolition of fortifications, nor carrying away of guns, powder or other military stores, which belonged to any castle or fort, at the time when it was taken."

The lenity which began the administration of Colonel Nicolls was continued under Lovelace. He appears to have been a man, rather of a phlegmatic than an enterprising disposition, always pursuing the common road, and scarcely ever acting without the aid of his council. Instead of taking upon himself the sole determination of judicial controversies, after the example of his predecessor, he called to his assistance a few justices of the peace. This, which was called the court of assizes,* was the principal law judicatory in those times. The legislative power under the duke, was vested entirely in

* This was a court both of law and equity, for the trial of causes of 20l. and upwards, and ordinarily sat but once a year. Subordinate to this, were the town courts and sessions ; the former took cognizance of actions under 5l. and the latter, of suits between that sum and 20l. seven constables and overseers were judges in the first, and in the last the justices of the peace, with a jury of seven men. The verdict of the majority was sufficient.

the governour and council. A third estate might then be easily dispensed with, for the charge of the province was * small, and in a great measure defrayed by his royal highness, the proprietor of the country.

Upon conclusion of the peace in 1674, the duke of York, to remove all controversy respecting his property, obtained a new patent † from the king, dated the 29th of June, for the lands granted in 1664, and two days after commissioned major, afterwards Sir Edmond Andross, to be governour of his territories in America. After the resignation of this province, which was made to him by the Dutch possessors, on the 31st of October following, he called a court martial, to try Manning for his treacherous and cowardly surrender. The articles of accusation exhibited against him, were in substance,

* The manner of raising publick money, was established by Colonel Nicolls, on the first of June, 1665, and was thus : The high sheriff issued a warrant annually, to the high constables of every district, and they sent theirs to the petty constables ; who, with the overseers of each town, made a list of all male persons above sixteen years of age, with an estimate of their rent and personal estates, and then taxed them according to certain rates, prescribed by a law. After the assessment was returned to the high sheriff, and approved by the governour, the constables received warrants for levying the taxes by distress and sale.

† Some are of opinion that the second patent was unnecessary, the duke being revested per post liminium. This matter has been often disputed in the ejectments between the New-Jersey proprietors and the Elizabethtown patentees. In New-York the right of postliminy was disregarded, and perhaps unknown ; for there are many instances, especially on Long Island, of new grants from Sir Edmond Andross, for lands patented under Nicolls and Lovelace, by which the quitrents have been artfully enlarged.

I. That the said Manning, on the 28th of July, 1673, having notice of the approach of the enemy's fleet, did not endeavour to put the garrison in a posture of defence ; but on the contrary, slighted such as offered their assistance.

II. That while the fleet was at anchor under Staten Island, on the 30th of July, he treacherously sent on board to treat with the enemy, to the great discouragement of the garrison.

III. That he suffered the fleet to moor under the fort, forbidding a gun to be fired on pain of death.

IV. That he permitted the enemy to land, without the least opposition.

V. That shortly after he had sent persons to treat with the Dutch commodores, he struck his flag, even before the enemy were in sight of the garrison, the fort being in a condition, and the men desirous, to fight.

VI. And lastly, that he treacherously caused the fort gates to be opened, and cowardly and basely let in the enemy, yielding the garrison without articles.

This scandalous charge, which Manning on his trial confessed to be true, is less surprising, than the lenity of the sentence pronounced against him. It was this, that though he deserved death, yet because he had since the surrender been in England, and seen the king and the duke, it was adjudged that his sword should be broke over his head in publick, before the city hall, and himself rendered incapable of wearing a sword, and of serving his majesty for the future, in any publick trust in the government.

This light censure, is however no proof that Sir Edmond was a man of a merciful disposition ; the historians of New-England, where he was afterwards gover-

nour, justly transmit him to posterity, under the odious character of a sycophantick tool to the duke, and an arbitrary tyrant over the people committed to his care. He knew no law, but the will of his master, and Kirk and Jefferies were not fitter instruments than he to execute the despotick projects of James II.

In the year 1675, Nicholas Renslaer, a Dutch clergyman, arrived here. He claimed the manor of Renslaerwyck, and was recommended by the duke to Sir Edmond Andross for a living in one of the churches at New-York or Albany, probably to serve the popish cause.* Niewenhyt, minister of the church at Albany, disputed his right to administer the sacraments, because he had received an Episcopal ordination, and was not approved by the classis of Amsterdam, to which the Dutch churches here hold themselves subordinate. In this controversy the governour took the part of Renslaer, and accordingly summoned Niewenhyt before him, to answer for his conduct. This minister was treated with such singular contempt, and so frequently harrassed, by fruitless and expensive attendances before the council, that the dispute became interesting, and the greater part of the people resented the usage he

* Another reason is assigned for the favour he met with from the crown. It is said that while Charles II. was an exile, he predicted the day of his restoration. The people of Albany had a high opinion of his prophetick spirit, and many strange tales about him still prevail there. The parson made nothing of his claim, the manor being afterwards granted, by Colonel Dongan to Killian Van Renslaer, a distant relation. This extensive tract, by the Dutch called a colony, is an oblong extending twenty-four miles upon Hudson's river, and as many upon each side. The patent of confirmation was issued by special direction from the king, and is the most liberal in the privileges it grants of any one in the province.

met with. Hence we find, that the magistrates of Albany, soon after imprisoned Renslaer, for several *dubious words*, (as they are called in the record) delivered in a sermon. The governour, on the other hand, ordered him to be released, and summoned the magistrates to attend him at New-York. Warrants were then issued to compel them to give security in 5000*l.* each, to make out good cause for confining the minister. Leisler, who was one of them, refused to comply with the warrant, and was thrown into jail. Sir Edmond, fearful that a great party would rise up against him, was at last compelled to discontinue his ecclesiastical jurisdiction, and to refer the controversy to the determination of the consistory of the Dutch church at Albany. It is perhaps not improbable, that these popish measures sowed the seeds of that aversion to the duke's government, which afterwards produced those violent convulsions in the province under Leisler, at the time of the revolution in favour of the prince of Orange.

If Sir Edmond Andross' administration at New-York appears to be less exceptionable than while he commanded at Boston, it was through want of more opportunities to shew himself in his true light. The main course of his publick proceedings, during his continuance in the province, was spent in the ordinary acts of the government, which then principally consisted in passing grants to the subject, and presiding in the court of assize, established by Colonel Lovelace. The publick exigencies were now in part supplied by a kind of benevolence ; the badge of bad times ! This appears in an entry on the records, of a letter of May the 5th, 1676, from Governour Andross, to several towns on

Long Island, desiring to know what sums they would contribute towards the war. Near the close of his administration he thought proper to quarrel with Philip Carteret, who in 1680, exercised the government of East Jersey, under a commission from Sir George Carteret, dated the 31st of July, 1675. Andross disputed his right, and seized and brought him prisoner to New-York ; for which it is said he lost his own government ; but whoever considers that Sir Edmond was immediately preferred to be governour of Boston, will rather believe that the duke superseded him for some other reasons.

Before I proceed to the succeeding administration, in which our Indian affairs began to have a powerful influence upon the publick measures, it may not be improper to present the reader with a summary view of the history and character of the Five Nations.* These, of all those innumerable tribes of savages, which inhabit the northern part of America, are of most importance to us and the French, both on account of their vicinity and warlike disposition. Before the late incorporation of the Tuscaroras, a people driven by the inhabitants of Carolina from the frontiers of Virginia, they consisted of five confederate cantons.† What in particular gave rise to this league, and when it took place, are questions which neither the natives, nor Europeans,

* By the Dutch called Maquaas, by the French Iroquois, and by us, Five Nations, Six Nations, and lately the Confederates. They are greatly diminished, and consist now only of about twelve hundred fighting men.

† The Tuscaroras were received upon a supposition that they were originally of the same stock with the Five Nations, because there is some similitude between their languages.

pretend to answer. Each of these nations is divided into three families, or clans, of different ranks, bearing for their arms, and being distinguished by the names of the tortoise, the bear, and the wolf.*

No people in the world perhaps have higher notions than these Indians of military glory. All the surrounding nations have felt the effects of their prowess ; and many not only became their tributaries, but were so subjugated to their power, that without their consent, they durst not commence either peace or war.

Though a regular police for the preservation of harmony within, and the defence of the state against invasions from without, is not to be expected from the people of whom I am now writing, yet, perhaps, they have paid more attention to it than is generally allowed. Their government is suited to their condition. A people whose riches consist not so much in abundance, as in a freedom from want ; † who are circumscribed by no boundaries, who live by hunting, and not by agriculture, must always be free, and therefore subject to no other authority, than such as consists with the liberty necessarily arising from their circumstances. All their affairs, whether respecting peace or war, are under the direction of their sachems, or chief men. Great exploits and publick virtue procure the esteem of a people, and qualify a man to advise in council, and execute the plans concerted for the advantage of his country : thus whoever

* Their instruments of conveyances are signed by signatures, which they make with a pen, representing these animals.

† An Indian, in answer to his question, What the white people meant by covetousness ? was told by another, that it signified, A desire of more than a man had need of. That's strange ! said the querist.

appears to the Indians in this advantageous light, commences a sachem without any other ceremony.

As there is no other way of arriving at this dignity, so it ceases, unless an uniform zeal and activity for the common good, is uninterruptedly continued. Some have thought it hereditary, but that is a mistake. The son, is indeed, respected for his father's services, but without personal merit, he can never share in the government ; which, were it otherwise, must sink into perfect disgrace. The children of such as are distinguished for their patriotism, moved by the consideration of their birth, and the perpetual incitements to virtue constantly inculcated into them, imitate their fathers' exploits, and thus attain to the same honours and influence ; which accounts for the opinion that the title and power of sachem are hereditary.

Each of these republicks has its own particular chiefs, who hear and determine all complaints in council, and though they have no officers for the execution of justice, yet their decrees are always obeyed, from the general reproach that would follow a contempt of their advice. The condition of this people exempts them from factions, the common disease of popular governments. It is impossible to gain a party amongst them by indirect means ; for no man has either honour, riches, or power to bestow.*

* The learned and judicious author of the *Spirit of Laws*, speaking of a people who have a fixed property in lands, observes, " That if a chief would deprive them of their liberty, they would immediately go and seek it under another, or retire into the woods, and live there with their families." The Five Nations can never be enslaved, till they grow rich by agriculture and commerce. Property is the most perma-

All affairs which concern the general interest are determined in a great assembly of the chiefs of each canton, usually held at Onondaga, the centre of their country. Upon emergencies they act separately, but nothing can bind the league but the voice of the general convention.

The French, upon the maxim, *divide et impera*, have tried all possible means to divide these republicks, and sometimes have even sown great jealousies among them. In consequence of this plan, they have seduced many families to withdraw to Canada, and there settled them in regular towns, under the command of a fort, and the tuition of missionaries.

The manners of these savages are as simple as their government. Their houses are a few crotched stakes thrust into the ground, and overlaid with bark. A fire is kindled in the middle, and an aperture left at the top for the conveyance of the smoke. Whenever a considerable number of those huts are collected, they have a castle, as it is called, consisting of a square without bastions, surrounded with palisadoes. They have no other fortification ; and this is only designed as an asylum for their old men, their wives and children, while the rest are gone out to war. They live almost entirely without care. While the women, or squaws, cultivate a little spot of ground for corn, the men employ themselves in hunting. As to clothes, they use a blanket girt at the waist, and thrown loosely over their shoulders ; some of their women, indeed, have,

ment basis of power. The authority of a sachem depending only upon his reputation for wisdom and courage, must be weak and precarious, and therefore safe to the people.

besides this, a sort of a petticoat, and a few of their men wear shirts ; but the greater part of them are generally half naked. In winter their legs are covered with stockings of blanket, and their feet with socks of deer skin. Many of them are fond of ornaments, and their taste is very singular. I have seen rings affixed, not only to their ears, but to their noses. Bracelets of silver and brass round their wrists, are very common. The women plait their hair, and tie it up behind in a bag, perhaps in imitation of the French beaux in Canada. Though the Indians are capable of sustaining great hardships, yet they cannot endure much labour, being rather fleet, than strong. Their men are taller than the Europeans, rarely corpulent, always beardless,* straight limbed, of a tawny complexion, and black uncurled hair. In their food they have no manner of delicacy, for tho' venison is their ordinary diet, yet sometimes they eat dogs, bears, and even snakes. Their cookery is of two kinds, boiled or roasted ; to perform the latter, the meat is penetrated by a short sharp stick set in the ground, inclining towards the fire, and turned as occasion requires. They are hospitable to strangers, though few Europeans would relish their highest favours of this kind, for they are very nasty both in their garments and food. Every man has his own wife, whom he takes and leaves at pleasure : a plurality, however, at the same time, is by no means admitted among them. They have been generally commended for their chastity, but I am informed by good authority, that they are very

* Because they pluck out the hairs. The French writers, who say they have naturally no beards, are mistaken ; and the reasons they assign for it are ridiculous.

lascivious, and that the women, to avoid reproach, frequently destroy the foetus in the womb. They are so perfectly free, that unless their children, who generally assist the mother, may be called servants, they have none. The men frequently associate themselves for conversation, by which means they not only preserve the remembrance of their wars, and treaties, but diffuse among their youth incitements to military glory, as well as instruction in all the subtilties of war.

Since they became acquainted with the Europeans, their warlike apparatus is a musket, hatchet,* and a long knife. Their boys still accustom themselves to bows and arrows, and are so dexterous in the use of them, that a lad of sixteen, will strike an English shilling five times in ten at twelve or fourteen yards distance. Their men are excellent marksmen, both with the gun and hatchet ; their dexterity at the latter is very extraordinary, for they rarely miss the object, though at a considerable distance. The hatchet in the flight perpetually turns round, and yet always strikes the mark with the edge.

Before they go out, they have a feast upon dogs' flesh, and a great war dance. At these, the warriors, who are frightfully painted with vermilion, rise up and sing their own exploits, or those of their ancestors, and thereby kindle a military enthusiasm in the whole company. The day after the dance, they march out a few miles in a row, observing a profound silence. The procession being ended, they strip the bark from a large oak, and

* Hence, to take up the hatchet, is, with them, a phrase signifying to declare war ; as, on the contrary, to bury it, denotes the establishment of peace.

paint the design of their expedition on the naked trunk. The figure of a canoe, with the number of men in it, determines the strength of their party ; and by a deer, a fox, or some other emblem painted at the head of it, we discover against what nation they are gone out.

The Five Nations being devoted to war, every art is contrived to diffuse a military spirit through the whole body of their people. The ceremonies attending the return of a party, seem calculated in particular for that purpose. The day before they enter the village, two heralds advance, and at a small distance set up a yell, which by its modulation intimates either good or bad news. If the former, the village is alarmed, and an entertainment provided for the conquerours, who in the mean time approach in sight : one of them bears the scalps stretched over a bow, and elevated upon a long pole. The boldest man in the town comes out, and receives it, and instantly flies to the hut where the rest are collected. If he is overtaken, he is beaten unmercifully ; but if he outruns the pursuer, he participates in the honour of the victors, who at their first entrance receive no compliments, nor speak a single word till the end of the feast. Their parents, wives, and children then are admitted, and treat them with the profoundest respect. After these salutations, one of the conquerours is appointed to relate the whole adventure, to which the rest attentively listen, without asking a question, and the whole concludes with a savage dance.

The Indians never fight in the field, or upon equal terms, but always skulk and attack, by surprise, in small parties, meeting every night at a place of rendezvous. Scarcely any enemy can escape them, for by the disposition of the grass and leaves, they follow his tract with

great speed any where but over a rock. Their barbarity is shocking to human nature. Women and children they generally kill and scalp, because they would retard their progress ; but the men they carry into captivity. If any woman has lost a relation, and inclines to receive the prisoner in his stead, he not only escapes a series of the most inhuman tortures, and death itself, but enjoys every immunity they can bestow, and is esteemed a member of the family into which he is adopted. To part with him would be the most ignominious conduct and considered as selling the blood of the deceased ; and for this reason it is not without the greatest difficulty that a captive is redeemed.

When the Indians incline to peace, a messenger is sent to the enemy with a pipe, the bowl of which is made of soft, red marble ; and a long reed, beautifully painted, and adorned with the gay plumage of birds, forms the stem. This is his infallible protection from any assault on the way. The envoy makes his proposals to the enemy, who, if they approve them, ratify the preliminaries to the peace, by smoking through the pipe, and from that instant a general cessation of arms takes place. The French call it a *calumet*. It is used, as far as I can learn, by all the Indian nations upon the continent. The rights of it are esteemed sacred, and have been only invaded by the Flat Heads ; in just indignation for which, the confederates maintained a war with them for near thirty years.

As to the language of the Five Nations, the best account I have had of it, is contained in a letter from the Reverend Mr. Spencer, who resided amongst them in the year 1748, being then a missionary from the Scotch society for propagating Christian knowledge. He writes thus :

“ SIR,

“ Though I was very desirous of learning the Indian tongue, yet through my short residence at Onoughquage, and the surly disposition of my interpreter, I confess my proficiency was not great.

“ Except the Tuscaroras, all the Six Nations speak a language radically the same. It is very masculine and sonorous, abounding with gutturals and strong aspirations, but without labials. Its solemn grave tone is owing to the generosity of its feet, as you will observe in the following translation of the Lord's prayer, in which I have distinguished the time of every syllable by the common marks used in prosody.*

Soûngwâûnehă, câuroûnyăwgă, tēhsēētārōan, saûhsōnēyōûstă, ēsă, săwănēyōu, ôkēttăûhsělă, êhněăûwoûng, nă, câuroûnyăwgă, nûghwōnshăûgă, nēăttēwēhnēsălăûgă, taûgwăunăutōrōnăntōûgsick, toăntaûgwělēēwhēyōustaûng, chēnēēyeût, chăquătaûtēhwhēyōûstăûnnă, toûghsaû, tăugwăussărēneh, tăwăutōttēnăugăloûghtōunggă, năsăwně, săchbăutăûgwăss, coăntēhsălôhăunzăickăw, ēsă, săwăunnēyōu, ēsă, săshăutztă, esă, soûngwăsoûng, chēnněăûhăungwă, âuwěn.

“ The extraordinary length of Indian words, and the guttural aspirations necessary in pronouncing them, render the speech extremely rough and difficult. The verbs never change in their terminations, as in Latin, Greek and Hebrew, but all their variations are prefix-

* If we had a good dictionary, marking the quantity as well as emphasis of every syllable in the English language, it would conduce to an accuracy and uniformity of pronunciation. The dignity of style, so far as the ear is concerned, consists principally in generous feet; and perhaps it may be a just remark that no sentence, unless in a dialogue, ends well without a full sound. Gordon and Fordyce rarely swerve from this rule, and Mr. Mason, an ingenious author, has lately written with great applause, on this attribute of style.

ed. Besides the singular and plural, they have also the dual number. A strange transposition of syllables of different words, *euphonia gratia*, is very common in the Indian tongue, of which I will give an instance — *ōgillā* signifies fire, and *cāwāūnnā*, great, but instead of joining the adjective and substantive to say *great fire*, *cāwāūnnā ōgillā*, both words would be blended into this one, *cō-gillā-wāūnnā*. The dialect of the Oney-das, is softer than that of the other nations ; and the reason is, because they have more vowels, and often supply the place of harsh letters with liquids. Instead of R, they always use L : *Rebecca*, would be pronounced *Lequecca*.

The art of publick speaking is in high esteem among the Indians, and much studied. They are extremely fond of method, and displeased with an irregular harangue, because it is difficult to be remembered. When they answer, they repeat the whole, reducing it into strict order. Their speeches are short, and the sense conveyed in strong metaphors. In conversation they are sprightly, but solemn and serious in their messages relating to publick affairs. Their speakers deliver themselves with surprising force and great propriety of gesture. The fierceness of their countenances, the flowing blanket, elevated tone, naked arm, and erect stature, with a half circle of auditors seated on the ground, and in the open air, cannot but impress upon the mind, a lively idea of the ancient oratours of Greece and Rome.

At the close of every important part of the speech, ratifying an old covenant, or creating a new one, a belt is generally given, to perpetuate the remembrance

of the transaction. These belts are about four inches wide, and thirty in length. They consist of strings of conque shell beads fastened together.*

With respect to religion, the Indians may be said to be under the thickest gloom of ignorance. If they have any, which is much to be questioned, those who affirm it, will find it difficult to tell us wherein it consists. They have neither priest nor temple, sacrifice nor altar. Some traces, indeed, appear of the original law written upon their hearts ; but they have no system of doctrines, nor any rites and modes of publick worship. They are sunk, unspeakably, beneath the polite pagans of antiquity. Some confused notions, indeed, of beings superiour to themselves, they have, but of the Deity and his natural and moral perfections, no proper or tolerable conceptions ; and of his general and particular Providence they know nothing. They profess no obligations to him, nor acknowledge their dependence upon him. Some of them, it is said, are of opinion, that there are two distinct, powerful beings, one able to help, the other to do them harm. The latter they venerate most, and some alledge, that they address him by a kind of prayer. Though there are no publick monuments of idolatry to be seen in their country, yet the missionaries have discovered coarse imagery in wooden trinkets, in the hands of their jugglers, which the converts deliver up as detestable. The sight of

* Those beads, which pass for money, are called by the Indians, wampum, and by the Dutch, sewant : six beads were formerly valued at a stiver. There are always several poor families at Albany, who support themselves by coining this cash for the traders.

them would remind a man of letters of the *lares* and *penates* of the ancients, but no certain judgment can be drawn of their use. The Indians sometimes assemble in large numbers, and retire far into the wilderness, where they eat and drink in a profuse manner. These conventions are called *kenticoy*s. Some esteem them to be debauched revels or *Bacchanalia* ; but those, who have privately followed them into these recesses, give such accounts of their conduct, as naturally lead one to imagine, that they pay a joint homage and supplication to some invisible being. If we suppose they have a religion, it is worse than none, and raises in the generous mind, most melancholy ideas of their depraved condition. Little has been done to illuminate these dark corners of the earth with the light of the Gospel. The French priests boast indeed of their converts, but they have made more proselytes to politicks than religion. Queen Anne sent a missionary among them, and gave him an appointment out of the privy purse. He was a man of a good life, but slow parts, and his success very inconsiderable. The reverend Mr. Barclay afterwards resided among the Mohawks, but no suitable provision being made for an interpreter, he was obliged to break up the mission. If the English society for propagating the Gospel, that truly venerable body, instead of maintaining missionaries in rich Christian congregations along the continent, expended half the amount of their annual contributions on evangelists among the heathen, besides the unspeakable religious benefits that would, it is to be hoped, accrue to the natives, such a proceeding would conduce greatly to the safety of our colonies, and his majesty's service. Much has been written

upon this subject in America ;* and why nothing to purpose has yet been attempted in England, towards so laudable a design, can only be attributed to the amazing falsehoods and misrepresentations, by which some of the missionaries have long imposed upon benevolent minds in Great Britain.†

As to the history of the Five nations, before their acquaintance with the Europeans, it is wrapt up in the darkness of antiquity. It is said that their first residence was in the country about Montreal ; and that the superior strength of the Adirondacks, whom the French call Algonquins, drove them into their present possessions, lying on the south side of the Mohawks river, and

* See Mr. Hobart's letters to the Episcopalians in New-England. The accounts of the Scotch mission at Stockbridge. Douglass' Summary, &c.

† This is notorious to all who give themselves the trouble of perusing the abstracts of their accounts published in England. It would be a very agreeable office to me, on this occasion, to distinguish the innocent from the guilty, but that such a task would infallibly raise up a host of enemies. Many of the missionaries are men of learning and exemplary morals. These in America are known and honoured, and cannot be prejudiced by an indiscriminate censure. Their joining in a representation for distinguishing the delinquents, who are a disgrace to the cloth, will serve as a full vindication of themselves to the society. Mr. Ogilvie is, I believe, the only person now employed by that charitable corporation among the Indians, and the greatest part even of his charge is in the city of Albany. All the Scotch missionaries are among the heathen, and their success has been sufficient to encourage any future attempts. There is a regular society of Indian converts in New-Jersey ; and it is worthy of remark, that not one of them has apostatized into heathenism. Some of them have made such proficiencies in practical religion, as ought to shame many of us, who boast the illuminating aids of our native Christianity. Not one of these Indians has been concerned in those barbarous irruptions, which have lately delug-

the great lake Ontario.* Towards the close of those disputes, which continued for a great series of years, the confederates gained advantages over the Adirondacks, and struck a general terrour into all the other Indians. The Hurons on the north side of the lake Erie, and the Cat Indians on the south side, were totally conquered and dispersed. The French, who settled Canada in 1603, took umbrage at their success, and began a war with them, which had well nigh ruined the new colony. In autumn 1665, Mr. Courcelles, the governour, sent out a party against the Mohawks. Through ignorance of the country, and the want of snowshoes, they were almost perished, when they fell in with Schenec-

ed the frontiers of the south western provinces, with the blood of several hundred innocents of every age and sex. At the commencement of these ravages, they flew into the settlements, and put themselves under the protection of the government. These Indians no sooner became Christians, than they openly professed their loyalty to king George; and therefore to contribute to their conversion, was as truly politick, as nobly Christian. Those colonies which have done most for this charitable design, have escaped best from the late distressing calamities. Of all the missionaries, Mr. David Brainerd, who recovered these Indians from the darkness of paganism, was most successful. He died the 9th of October, 1747, a victim to his extreme mortification and inextinguishable zeal, for the prosperity of his mission. Those who are curious to enquire particularly into the effects of his indefatigable industry, may have recourse to his journal, published at Philadelphia, by the American correspondents of the Scotch society, in whose service he was employed. Dr. Douglass, ever ready to honour his native country, after remarking that this self-denying clergyman rode about 400 miles, in the year 1744, with an air of approbation, asks, "Is there any missionary, from any of the societies, for propagating the Gospel in foreign parts, that has reported the like."

* Charlevoix, in partiality to the French, limits the country of the Five Nations, on the north, to the 44th degree of latitude; according

tady. And even there the Indians would have sacrificed them to their barbarous rage, had not Corlear, a Dutchman, interposed to protect them. For this seasonable hospitality, the French governour invited him to Canada, but he was unfortunately drowned in his passage through the lake Champlain. It is in honour of this man, who was a favourite of the Indians, that the governours of New-York, in all their treaties, are addressed by the name of Corlear. Twenty light companies of foot, and the whole militia of Canada, marched the next spring into the country of the Mohawks ; but their success was vastly unequal to the charge and labour of such a tedious march of 700 miles, through an uncultivated desert ; for the Indians, on their approach, retired into the woods, leaving behind them some old sachems, who preferred death to life, to glut the fury of their enemies. The emptiness of this parade on the one hand, and the Indian fearfulness of fire arms on the other, brought about a peace in 1667, which continued for several years after. In this interval, both the English and French cultivated a trade with the natives very profitable to both nations. The latter, however, were most politick and vigorous, and filled the Indian

to which, all the country on the north side of lake Ontario, and the river issuing thence to Montreal, together with a considerable tract of land on the south side of that river, belongs to the French. Hennepin, a recollect friar, has more regard to truth than the jesuit ; for he tells us in effect, that the Iroquois possessed the lands on the north, as well as on the south side of the lake, and mentions several of their villages in 1679, viz. Tejahon, Kente, and Ganneousse. The map in his book agrees with the text. Charlevoix is at variance with his geographer ; for Mr. Bellin, besides laying down these towns in the map, contained in the fifth volume, writes on the north side of the protraction of lake Ontario, *les Iroquois du nord*.

country with their missionaries. The sieur Perot, the very year in which the peace was concluded, travelled above 1200 miles westward, making proselytes of the Indians every where to the French interest. Courcelles appears to have been a man of art and industry. He took every measure in his power for the defence of Canada. To prevent the irruptions of the Five Nations, by the way of lake Champlain, he built several forts in 1665, between that and the mouth of the river Sorel. In 1672, just before his return to France, under pretence of treating with the Indians more commodiously, but in reality, as Charlevoix expresses it, "to bridle them," he obtained their leave to erect a fort at Cadaracqui, or lake Ontario, which count Frontenac, his successor, completed the following spring, and called after his own name*. The command of it was afterwards given to Mr. De la Salle, who, in 1678, rebuilt it with stone. This enterprising person, the same year, launched a bark of ten tons into the lake Ontario, and another of sixty tons, the year after, into lake Erie : about which time he inclosed with palisadoes, a little spot at Niagara.

Though the duke of York had preferred colonel Thomas Dongan to the government of this province on the 30th of September, 1682, he did not arrive here till the 27th of August, in the following year. He was a man of integrity, moderation, and genteel manners, and though a professed papist, may be classed among the best of our governours.

* In May, 1721, it was a square, with four bastions, built of stone, being a quarter of a French league in circumference ; before it, are many small islands, and a good harbour, and behind it a morass. *Charlevoix*.

The people, who had been formerly ruled at the will of the duke's deputies, began their first participation in the legislative power under colonel Dongan, for shortly after his arrival, he issued orders to the sheriffs, to summon the freeholders for choosing representatives, to meet him in assembly on the 17th of October, 1683. Nothing could be more agreeable to the people, who, whether Dutch or English, were born the subjects of a free state ; nor, indeed, was the change of less advantage to the duke, than to the inhabitants. For such a general disgust had prevailed, and in particular in Long Island, against the old form which colonel Nicolls had introduced, as threatened the total subversion of the publick tranquillity. Colonel Dongan saw the disaffection of the people at the east end of the Island, for he landed there on his first arrival in the country ; and to extinguish the fire of discontent, then impatient to burst out, gave them his promise, that no laws or rates for the future should be imposed, but by a general assembly. Doubtless, this alteration was agreeable to the duke's orders, who had been strongly importuned for it,* as well as acceptable to the people, for they sent him soon after an address, expressing the highest sense of gratitude, for so beneficial a change in the government. It would have been impossible for him much longer to have maintained the old model over free subjects, who had just before formed themselves into a co-

* The petition to his royal highness was drawn by the council, the aldermen of New-York, and the justices of the peace at the court of assize, the 29th of June, 1681. I have seen a copy in the hands of Lewis Morris, Esq. It contains many severe reflections upon the tyranny of Sir Edmond Andross.

lony for the enjoyment of their liberties, and had even already solicited the protection of the colony of Connecticut, from whence the greatest part of them came. Disputes relating to the limits of certain townships at the east end of Long Island, sowed the seeds of enmity against Dongan, so deeply in the hearts of many who were concerned in them, that their representation to Connecticut, at the revolution, contains the bitterest invectives against him.

Dongan surpassed all his predecessors in a due attention to our affairs with the Indians, by whom he was highly esteemed. It must be remembered to his honour that though he was ordered by the duke, to encourage the French priests, who were come to reside among the natives, under pretence of advancing the popish cause, but in reality to gain them over to the French interest; yet he forbid the Five Nations to entertain them. The jesuits, however, had no small success. Their proselytes are called praying Indians, or Caghnuagaes, and reside now in Canada, at the fall of St. Lewis, opposite to Montreal. This village was begun in 1671, and consists of such of the Five Nations as have formerly been drawn away by the intrigues of the French priests, in the times of Lovelace and Andross, who seem to have paid no attention to our Indian affairs.* It was owing to the instigation also of these priests, that the Five Nations about this time, committed hostilities on the back parts of Maryland and Virginia, which occa-

* Of late some others of the confederates have been allured to settle at Oswegatchi, called by the French, la Gallette, near fifty miles below Frontenac. General Shirley's emissaries from Oswego, in 1755, prevailed with several of these families to return to their old habitations.

sioned a grand convention at Albany, in the year 1684. Lord Howard of Effingham, the governour of Virginia, was present, and made a covenant with them for preventing further depredations, towards the accomplishment of which, colonel Dongan was very instrumental.* Doctor Colden has published this treaty at large, but as it has no immediate connection with the affairs of this province, I beg leave to refer the reader for a full account of it to his history of the Five Nations.

While lord Howard was at Albany, a messenger from De la Barre, then governour of Canada, arrived there, complaining of the Seneca Indians, for interrupting the French in their trade with the more distant Indians, commonly included among us by the general name of the Far Nations.† Colonel Dongan, to whom the message was sent, communicated it to the Senecas, who admitted the charge, but justified their conduct, alledging, that the French supplied arms and ammunition to the Twightwies,‡ with whom they were then at war. De la Barre, at the same time, meditating nothing less than the total destruction of the Five Nations, proceeded with an army of 1700 men to the lake Ontario. Mighty preparations were made to obtain the desired success: fresh troops were imported from France, and a letter procured from the duke of York to colonel Dongan, commanding him to lay no obstacles in the way. The officers posted in the out forts, even as far as Mes-

* This covenant was ratified in 1685, and at several times since.

† By the Far Nations, are meant all those numerous tribes inhabiting the countries on both sides of the lakes Huron and Erie, westward, as far as the Mississippi, and the southern country along the banks of the Ohio, and its branches.

‡ By the French called Miamies.

silimakinac, were ordered to rendezvous at Niagara, with all the western Indians they could engage. Dongan, regardless of the duke's orders, apprised the Indians of the French designs, and promised to assist them. After six weeks delay at fort Frontenac, during which time a great sickness, occasioned by bad provisions, broke out in the French army, De la Barre found it necessary to conclude the campaign with a treaty, for which purpose he crossed the lake, and came to the place which, from the distress of his army, was called la Famine. Dongan sent an interpreter among the Indians, by all means to prevent them from attending the treaty. The Mohawks and Senecas accordingly refused to meet De la Barre, but the Oneydoes, Onondagas, and Cayugas, influenced by the missionaries, were unwilling to hear the interpreter, except before the priests, one La Main, and three other Frenchmen, and afterwards waited upon the French governour. Two days after their arrival in the camp, monsieur De la Barre, addressing himself to Garrangula, an Onondaga chief, made the following speech, the Indians, and French officers at the same time forming a circle round about him.

“The king, my master, being informed that the Five Nations have often infringed the peace, has ordered me to come hither with a guard, and to send Ohguesse to the Onondagas, to bring the chiefsachems to my camp. The intention of the great king is, that you and I may smoke the calumet of peace together ; but on this condition, that you promise me, in the name of the Senecas, Cayugas, Onondagas, and Mohawks, to give entire satisfaction and reparation to his subjects, and for the future never to molest them.

“ The Senecas, Cayugas, Onondagas, Oneydoes, and Mohawks, have robbed and abused all the traders that were passing to the Illinois and Miamies, and other Indian nations, the children of my king. They have acted, on these occasions, contrary to the treaty of peace with my predecessor. I am ordered, therefore, to demand satisfaction, and to tell them, that in case of refusal, or their plundering us any more, I have express orders to declare war. This belt confirms my words. The warriors of the Five Nations have conducted the English into the lakes, which belong to the king, my master, and brought the English among the nations that are his children, to destroy the trade of his subjects, and to withdraw these nations from him. They have carried the English thither, notwithstanding the prohibition of the late governour of New-York, who foresaw the risque that both they and you would run. I am willing to forget those things, but if ever the like shall happen for the future, I have express orders to declare war against you. This belt confirms my words.

“ Your warriors have made several barbarous incursions on the Illinois and Miamies ; they have massacred men, women, and children, and have made many of these nations prisoners, who thought themselves safe in their villages in time of peace : these people, who are my king’s children, must not be your slaves ; you must give them their liberty, and send them back into their own country. If the Five Nations shall refuse to do this, I have express orders to declare war against them. This belt confirms my words.

“ This is what I have to say to Garrangula, that he may carry to the Senecas, Onondagas, Oneydoes, Cay-

ugas, and Mohawks, the declaration which the king, my master, has commanded me to make. He doth not wish them to force him to send a great army to Cadarackui fort, to begin a war, which must be fatal to them. He would be sorry that this fort, that was the work of peace, should become the prison of your warriors. We must endeavour, on both sides, to prevent such misfortunes. The French, who are the brethren and friends of the Five Nations, will never trouble their repose, provided that the satisfaction, which I demand, be given ; and that the treaties of peace be hereafter observed. I shall be extremely grieved, if my words do not produce the effect which I expect from them ; for then I shall be obliged to join with the governour of New-York, who is commanded by his master, to assist me, and burn the castles of the Five Nations, and destroy you. This belt confirms my words."

Garrangula heard these threats with contempt, because he had learnt the distressed state of the French army, and knew that they were incapable of executing the designs with which they set out ; and, therefore, after walking five or six times round the circle, he answered the French governour, who sat in an elbow chair, in the following strain :

" YONNONDIO,

" I honour you, and the warriors that are with me likewise honour you. Your interpreter has finished your speech ; I now begin mine. My words make haste to reach your ears ; hearken to them.

" Yonnondio, you must have believed, when you left Quebec, that the sun had burnt up all the forests, which render our country inaccessible to the French, or that the lakes had so far overflown the banks, that they

had surrounded our castles, and that it was impossible for us to get out of them. Yes, Yonnondio, surely you must have dreamt so, and the curiosity of seeing so great a wonder, has brought you so far. Now you are undeceived, since that I and the warriors here present, are come to assure you, that the Senecas, Cayugas, Onondagas, Oneydoes, and Mohawks, are yet alive, I thank you, in their name, for bringing back into their country the calumet, which your predecessor received from their hands. It was happy for you, that you left under ground that murdering hatchet that has been so often dyed in the blood of the French. Hear, Yonnondio, I do not sleep, I have my eyes open, and the sun, which enlightens me, discovers to me a great captain at the head of a company of soldiers, who speaks as if he were dreaming. He says, that he only came to the lake to smoke on the great calumet with the Onondagas. But Garrangula says, that he sees the contrary, that it was to knock them on the head, if sickness had not weakened the arms of the French.

“I see Yonnondio raving in a camp of sick men, whose lives the Great Spirit has saved, by inflicting this sickness on them. Hear, Yonnondio, our women had taken their clubs, our children and old men had carried their bows and arrows into the heart of your camp, if our warriors had not disarmed them, and kept them back, when your messenger, Ohguesse, came to our castles. It is done, and I have said it. Hear, Yonnondio, we plundered none of the French, but those that carried guns, powder, and ball to the Twightwies and Chictaghicks, because those arms might have cost us our lives. Herein we follow the example of the jesuits, who stave all the kegs of rum brought to our cas-

ties, lest the drunken Indians should knock them on the head. Our warriors have not beer enough to pay for all these arms that they have taken, and our old men are not afraid of the war. This belt preserves my words.

“ We carried the English into our lakes, to trade there with the Utawawas and Quatoghies, as the Adirondacks brought the French to our castles, to carry on a trade, which the English say is theirs. We are born free ; we neither depend on Yonnonodio nor Corlear.

“ We may go where we please, and carry with us whom we please, and buy and sell what we please : if your allies be your slaves, use them as such, command them to receive no other but your people. This belt preserves my words.

“ We knocked the Twightwies and Chictaghicks on the head, because they had cut down the trees of peace, which were the limits of our country. They have hunted beavers on our lands : they have acted contrary to the customs of all Indians ; for they left none of the beavers alive, they killed both male and female. They brought the Satanas * into the country, to take part with them, after they had concerted ill designs against us. We have done less than either the English or French, that have usurped the lands of so many Indian nations, and chased them from their own country. This belt preserves my words.

“ Hear, Yonnonodio, what I say, is the voice of all the Five Nations ; hear what they answer ; open your ears to what they speak. The Senecas, Cayugas, Onondagas, Oneydoes, and Mohawks say, that when they

* By the French called Sauouons.

buried the hatchet at Cadarackui (in the presence of your predecessor) in the middle of the fort; they planted the tree of peace in the same place, to be there carefully preserved, that, in place of a retreat for soldiers, that fort might be a rendezvous for merchants: that in place of arms and ammunition of war, beavers and merchandise should only enter there.

“Hear, Yonnondio, take care for the future, that so great a number of soldiers as appear there do not choke the tree of peace planted in so small a fort. It will be a great loss, if, after it had so easily taken root, you should stop its growth, and prevent its covering your country and ours with its branches. I assure you, in the name of the Five Nations, that our warriors shall dance to the calumet of peace under its leaves, and shall remain quiet on their mats, and shall never dig up the hatchet, till their brother Yonnondio or Corlear shall either jointly or separately endeavour to attack the country, which the Great Spirit has given to our ancestors. This belt preserves my words, and this other, the authority which the Five Nations have given me.”

Then Garrangula, addressing himself to monsieur La Main, said “Take courage, Ohguesse, you have spirit, speak, explain my words, forget nothing, tell all that your brethren and friends say to Yonnondio, your governour, by the mouth of Garrangula, who loves you, and desires you to accept of this present of beaver, and take part with me in my feast, to which I invite you. This present of beaver is sent to Yonnondio, on the part of the Five Nations.”

Enraged at this bold reply, De la Barre as soon as the peace was concluded, retired to Montreal, and in-

gloriously finished an expensive campaign, as Doctor Colden observes, in a scold with an old Indian.

De la Barre was succeeded by the marquis De Nonville, colonel of the dragoons, who arrived with a reinforcement of troops, in 1685. The marquis was a man of courage and an enterprising spirit, and not a little animated by the consideration, that he was sent over to repair the disgrace which his predecessor had brought upon the French colony. The year after his arrival at Quebec, he wrote a letter to the minister in France, recommending the scheme of erecting a stone fort, sufficient to contain four or five hundred men, at Niagara, not only to exclude the English from the lakes, but to command the fur trade and subdue the Five Nations. Dongan, who was jealous of his designs, took umbrage at the extraordinary supplies sent to fort Frontenac, and wrote to the French governour, signifying that if he attacked the confederates, he would consider it as a breach of the peace subsisting between the two crowns; and to prevent his building a fort at Niagara, he protested against it, and claimed the country as dependent upon the province. De Nonville, in his answer, denied that he intended to invade the Five Nations, tho' the necessary preparations for that purpose were then carrying on, and yet Charlevoix commends him for his piety and uprightness, "*egalement estimable* (says the jesuit) *pour sa valeur, sa droiture & sa piété.*" Colonel Dongan, who knew the importance of our Indian alliance, placed no confidence in the declarations of the marquis, but exerted himself in preparing the confederates for a war; and the French author, just mentioned, does him honour, while he complains of him as a perpetual obstacle in the way of the

execution of their schemes. Our allies were now triumphing in their success over the Chictaghics, and meditating a war with the Twightwies, who had disturbed them in their beaver hunting. De Nonville, to prevent the interruption of the French trade with the Twightwies, determined to divert the Five Nations, and carry the war into their country. To that end, in 1637, he collected two thousand troops and six hundred Indians at Montreal, and issued orders to all the officers in the more westerly country, to meet him with additional succours at Niagara, on an expedition against the Senecas. An English party, under one M'Gregory, at the same time, was gone out to trade on the lakes, but the French, notwithstanding the peace then subsisting between the two crowns, intercepted them, seized their effects, and imprisoned their persons. Monsieur Fonti, commandant among the Chictaghics who was coming to the general's rendezvous at Niagara, did the like to another English party, which he met with in lake Erie.* The Five Nations, in the mean time, were preparing to give the French army a suitable reception. Monsieur Companie, with two or three hundred Canadians, in an advanced party, surprised two villages of the confederates, who, at the invitation, and on the faith of the French, seated themselves down about eight leagues from lake Fadarackui or Ontario. To prevent their escape with intelligence to their countrymen, they were carried to the fort, and all but thirteen died in torments at the stake, singing with an heroick spirit,

* Both these attacks were open infractions of the treaty at Whitehall, executed in November, 1686; by which it was agreed that the Indian trade in America should be free to the English and French.

in their expiring moments, the perfidy of the French. The rest, according to the express orders of the French king, were sent to the galleys in Europe. The marquis having embarked his whole army in canoes, set out from the fort at Cadarackui, on the 23d of June, one half of them passing along the north, and the other on the south side of the lake; and both arrived the same day at Tyrondequait, and shortly after set out on their march towards the chief village of the Senecas, at about seven leagues distance. The main body was composed of the regulars and militia, the front and rear of the Indians and traders. The scouts advanced the second day of their march, as far as the corn of the village, and within pistol shot of five hundred Senecas, who lay upon their bellies undiscovered. The French, who imagined the enemy were all fled, quickened their march to overtake the women and old men. But no sooner had they reached the foot of a hill, about a mile from the village, than the Senecas raised the war shout, and in the same instant charged upon the whole army, both in the front and rear. Universal confusion ensued. The battalions divided, fired upon each other, and flew into the wood. The Senecas improved the disorder of the enemy, till they were repulsed by the French Indians. According to Charlevoix's account, which may be justly suspected, the enemy lost but six men, and had twenty wounded, in the conflict. Of the Senecas, he says, sixty were wounded and forty-five slain. The marquis was so much dispirited, that he could not be persuaded to pursue the enemy that day; which gave the Senecas an opportunity to burn their village and get off. Two old men remained in the castle to receive the general, and regale the barbarity of his

Indian allies. After destroying the corn in this and several other villages, the army retired to the banks of the lake, and erected a fort with four bastions on the south-east side of the streights at Niagara, in which they left one hundred men, under the command of Le Chevalier de le Troye, with eight months provisions; but these being close blocked up, all, except seven or eight of them, who were accidentally relieved, perished through famine.* Soon after this expedition, colonel Dongan met the Five Nations at Albany. To what intent, appears from the speech he made to them on the 5th of August, which I choose to lay before the reader, to shew his vigilance and zeal for the interest of his master, and the commonweal of the province committed to his care.

“BRETHREN,

“I am very glad to see you here in this house, and am heartily glad that you have sustained no greater loss by the French, though I believe it was their intention to destroy you all, if they could have surprised you in your castles.

“As soon as I heard their design to war with you, I gave you notice, and came up hither myself, that I might be ready to give all the assistance and advice that so short a time would allow me.

* Nothing can be more perfidious and unjust than this attack upon our confederates. The two crowns had but just concluded a treaty for the preservation of the peace : La Hontan, one of the French historians, censures De Nonville's conduct, and admits the British title to the command of the lakes, but Charlevoix blames him, as he does Hennepin, De L'Isle, and every other author, who confesses the truth to the prejudice of the ambitious claims of the court of France.

“ I am now about sending a gentleman to England, to the king, my master, to let him know, *that the French have invaded his territories on this side of the great lake*, and warred upon the brethren, his subjects. I therefore would willingly know whether the brethren have given the governour of Canada any provocation or not ; and if they have, how, and in what manner ; because I am obliged to give a true account of this matter. This business may cause a war between the king of England, and the French king, both in Europe and here, and therefore I must know the truth.

“ I know the governour of Canada dare not enter into the king of England’s territories, in a hostile manner, without provocation, if he thought the brethren were the king of England’s subjects ; but you have, two or three years ago, made a covenant chain with the French, contrary to my command (which I knew could not hold long) being void of itself among the Christians ; for as much as subjects (as you are) ought not to treat with any foreign nation, it not lying in your power. You have brought this trouble upon yourselves, and, as I believe, this is the only reason of their falling on you at this time.

“ Brethren, I took it very ill, *that after you had put yourselves into the number of the great king of England’s subjects*, you should ever offer to make peace or war, without my consent. You know that we can live without you but you cannot live without us ; you never found that I told you a lie, and I offered you the assistance you wanted, provided that you would be advised by me ; for I know the French better than any of you do.

“ Now since there is a war begun upon you by the governour of Canada, I hope without any provocation by you given, I desire and command you, that you hearken to no treaty but by my advice ; which if you follow, you shall have the benefit of the great chain of friendship between the great king of England, and the king of France, which came out of England the other day, and which I have sent to Canada by Anthony le Junard ; in the mean time, I will give you such advice as will be for your good ; and will supply you with such necessaries as you will have need of.

“ 1st, My advice is, as to what prisoners of the French you shall take, that you draw not their blood, but bring them home, and keep them to exchange for your people, which they have prisoners already, or may take hereafter.”

“ 2dly, That if it be possible, that you can order it so, I would have you take one or two of your wisest sachems, and one or two of your wisest captains, of each nation, to be a council to manage all affairs of the war. They, to give orders to the rest of the officers what they are to do, that your designs may be kept private ; for after it comes among so many people, it is blazed abroad, and your designs are often frustrated ; and those chief men should keep a correspondence with me by a trusty messenger.

“ 3dly, The great matter under consideration with the brethren, is, how to strengthen themselves, and weaken their enemy. My opinion is, that the brethren should send messengers to the Utawawas, Twightwies, and the farther Indians, and to send back likewise some of the prisoners of these nations, if you have any left, to bury the hatchet, and to make a covenant chain,

that they may put away all the French that are among them, and that you will open a path for them this way (they being the king of England's subject likewise, though the French have been admitted to trade with them; for all that the French have in Canada, they had it of the great king of England) that, by that means, they may come hither freely, where they may have every thing cheaper than among the French: that you and they may join together against the French, and make so firm a league, that whoever is an enemy to one, must be to both.

“ 4thly, Another thing of concern is, that you ought to do what you can to open a path for all the north Indians and Mahikanders that are among the Utawawas and further nations. I will endeavour to do the same to bring them home. For, they not daring to return home your way, the French keep them there on purpose to join with the other nations against you, for your destruction; for you know, that one of them is worse than six of the others; therefore all means must be used to bring them home, and use them kindly as they pass through your country.

“ 5thly, My advice further, is, that messengers go, in behalf of all the Five Nations, to the Christian Indians in Canada to persuade them to come home to their native country. This will be another great means to weaken your enemy; but if they will not be advised, you know what to do with them.

“ 6thly, I think it very necessary, for the brethren's security and assistance, and to the endamaging the French, to build a fort upon the lake, where I may keep stores and provisions in case of necessity; and therefore I would have the brethren let me know what place will be most convenient for it.

“ 7thly, I would not have the brethren keep their corn in their castles, as I hear the Onondagas do, but bury it a great way in the woods, where few people may know where it is, for fear of such an accident as has happened to the Senecas.

“ 8thly, I have given my advice in your general assembly, by Mr. Dirk Wessels and Akus, the interpreter, how you are to manage your parties, and how necessary it is to get prisoners, to exchange for your own men that are prisoners with the French, and I am glad to hear that the brethren are so united as Mr. Dirk Wessels tells me you are, and that there were no rotten members nor French spies among you.

“ 9thly, The brethren may remember my advice, which I sent you this spring, not to go to Cadarackui; if you had, they would have served you as they did your people that came from hunting thither, for I told you that I knew the French better than you did.

“ 10thly, There was no advice or proposition that I made to the brethren all the time that the priest lived at Onondaga, but what he wrote to Canada, as I found by one of his letters, which he gave to an Indian to carry to Canada, but which was brought hither; therefore, I desire the brethren not to receive him, or any French priest any more, having sent for English priests, with whom you may be supplied to your content.

“ 11thly, I would have the brethren look out sharp, for fear of being surprised. I believe all the strength of the French will be at their frontier places, viz. at Cadarackui and Oniagara, where they have built a fort now, and at Trois Rivières, Montreal and Chambly.

“ 12thly, Let me put you in mind again, not to make any treaties without my means, which will be more advantageous for you, than your doing it for yourselves, for then you will be looked upon as the king of England’s subjects, and let me know, from time to time, every thing that is done.

“ Thus far I have spoken to you relating to the war.”

Not long after this interview, a considerable party of Mohawks and Mahikanders, or River Indians, beset fort Chambly, burnt several houses, and returned with many captives to Albany. Forty Onondagas, about the same time, surprised a few soldiers near fort Frontenac, whom they confined instead of the Indians sent home to the galleys, notwithstanding the utmost address was used to regain them, by Lamberville, a French priest, who delivered them two belts, to engage their kindness to the prisoners, and prevent their joining the quarrel with the Senecas. The belts being sent to colonel Dongan, he wrote to De Nonville, to demand the reason of their being delivered. Pere le Vaillant was sent here about the beginning of the year 1688, under colour of bringing an answer, but in reality as a spy. Col. Dongan told him, that no peace could be made with the Five Nations, unless the Indians sent to the galleys, and the Caghnuaga proselytes were returned to their respective contons, the forts at Niagara and Frontenac razed and the Senecas had satisfaction made them, for the damage they had sustained. The jesuit, in his return, was ordered not to visit the Mohawks.

Dongan, who was fully sensible of the importance of the Indian interest to the English colonies, was for compelling the French to apply to him in all their affairs with the Five Nations ; while they, on the other hand,

were for treating with them independent of the English. For this reason, among others, he refused them the assistance they frequently required, till they acknowledged the dependence of the confederates on the English crown. King James, a poor, bigotted, popish, priestridden prince, ordered his governour to give up this point, and to persuade the Five Nations to send messengers to Canada, to receive proposals of peace from the French. For this purpose a cessation of arms and mutual redelivery of prisoners was agreed upon. Near twelve hundred of the confederates attended this negotiation at Montreal, and in their speech to De Nonville, insisted, with great resolution, upon the terms proposed by colonel Dongan to father Le Vaillant. The French governour declared his willingness to put an end to the war, if all his allies might be included in the treaty of peace, if the Mohawks and Senecas would send deputies to signify their concurrence, and the French might supply fort Frontenac with provisions. The confederates, according to the French accounts, acceded to these conditions, and the treaty was ratified in the field. But a new rupture not long after ensued, from a cause entirely unsuspected. The Dinondadies had lately inclined to the English trade at Messilimakinac, and their alliance was therefore become suspected by the French. Adario, their chief, thought to regain the ancient confidence which had been reposed in his countrymen, by a notable action against the Five Nations ; and for that purpose put himself at the head of one hundred men : nothing was more disagreeable to him than the prospect of peace between the French and the confederates ; for that event would not only render the amity of the Dinondadies useless, but give the French an opportunity

of resenting their late favourable conduct towards the English. Impressed with these sentiments, out of affection to his country, he intercepted the ambassadours of the Five Nations, at one of the falls in Cadarackui river, killed some, and took others prisoners, telling them that the French governour had informed him, that fifty warriors of the Five Nations were coming that way. As the Dinondadies and confederates were then at war, the ambassadours were astonished at the perfidy of the French governour, and could not help communicating the design of their journey. Adario, in prosecution of his crafty scheme, counterfeited the utmost distress, anger, and shame, on being made the ignominious tool of De Nonville's treachery, and addressing himself to Dekanesora, the principal ambassadour, said to him, "Go, my brethren, I untie your bonds, and send you home again, though our nations be at war. The French governour has made me commit so black an action, that I shall never be easy after it, till the Five Nations shall have taken full revenge." This outrage and indignity upon the rights of ambassadours, the truth of which they did not in the least doubt, animated the confederates to the keenest thirst after revenge; and accordingly twelve hundred of their men, on the 26th of July, 1688, landed on the south side of the island of Montreal, while the French were in perfect security; burnt their houses, sacked their plantations, and put to the sword all the men, women, and children, without the skirts of the town. A thousand French were slain in this invasion, and twenty-six carried into captivity and burnt alive. Many more were made prisoners in another attack in October, and the lower part of the island whol-

ly destroyed. Only three of the confederates were lost, in all this scene of misery and desolation.*

Never before did Canada sustain such a heavy blow. The news of this attack on Montreal no sooner reached the garrison at the lake Ontario, than they set fire to the two barks, which they had built there, and abandoned the fort, leaving a match to twenty-eight barrels of powder, designed to blow up the works. The soldiers went down the river in such precipitation, that one of the battoes and her crew were all lost in shooting a fall. The confederates in the mean time seized the fort, the powder and the stores ; and of all the French allies, who were vastly numerous, only the Nepicirinians and Kikabous adhered to them in their calamities. The Utawawas and seven other nations instantly made peace with the English ; and but for the uncommon sagacity and address of the sieur Perot, the western Indians would have murdered every Frenchman among them. Nor did the distresses of the Canadians end here. Numerous scouts from the Five Nations, continually infested their borders. The frequent depredations that were made, prevented them from the cultivation of their fields, and a distressing famine raged through the whole country. Nothing but the ignorance of the Indians in the art of attacking fortified places, saved Canada from being now utterly cut off. It was therefore unspeakably fortunate to the French, that the Indians had no assistance from the English, and as unfortunate to us,

* I have followed Dr. Colden in the account of this attack, who differs from Charlevoix. That jesuit tells us, that the invasion was late in August, and the Indians fifteen hundred strong ; and as to the loss of the French, he diminishes it only to two hundred souls.

that our colonies were then incapable of affording succours to the confederates, through the malignant influence of those execrable measures, which were pursued under the infamous reign of king James the second. Colonel Dongan, whatever his conduct might have been in civil affairs, did all that he could in those relating to the Indians, and fell at last into the king's displeasure, through his zeal for the true interest of the province.

While these things were transacting in Canada, a scene of the greatest importance was opening at New-York. A general disaffection to the government prevailed among the people. Papists began to settle in the colony under the smiles of the governour. The collector of the revenues, and several principal officers, threw off the mask, and openly avowed their attachment to the doctrines of Rome. A Latin school was set up, and the teacher strongly suspected for a jesuit. The people of Long Island, who were disappointed in their expectation of mighty boons, promised by the governour on his arrival, were become his personal enemies; and, in a word, the whole body of the people trembled for the protestant cause. Here the leaven of opposition first began to work. Their intelligence from England, of the designs there in favour of the prince of Orange, blew up the coals of discontent, and elevated the hopes of the disaffected. But no man dared to spring in action, till after the rupture in Boston. Sir Edmond Andross, who was perfectly devoted to the arbitrary measures of king James, by his tyranny in New-England, had drawn upon himself the universal odium of the people, animated with the love of liberty and in the defence of

it resolute and courageous ; and, therefore, when they could no longer endure his despotick rule, they seized and imprisoned him, and afterwards sent him to England. The government, in the mean time, was vested in the hands of a committee for the safety of the people, of which Mr. Bradstreet, was chosen president. Upon the news of this event, several captains of our militia convened themselves to concert measures in favour of the prince of Orange. Among these, Jacob Leisler, was the most active. He was a man in tolerable esteem among the people, and of a moderate fortune, but destitute of every qualification necessary for the enterprise. Milborne, his son in law, an Englishman, directed all his councils, while Leisler as absolutely influenced the other officers.

The first thing they contrived, was to seize the garrison in New-York ; and the custom, at that time, of guarding it every night by the militia, gave Leisler a fine opportunity of executing the design. He entered it with forty-nine men, and determined to hold it till the whole militia should join him. Colonel Dongan, who was about to leave the province, then lay embarked in the bay, having a little before resigned the government to Francis Nicholson, the lieutenant governour. The council, civil officers, and magistrates of the city, were against Leisler, and therefore many of his friends were at first fearful of openly espousing a cause disapproved by the gentlemen of figure. For this reason, Leisler's first declaration in favour of the prince of Orange, was subscribed only by a few, among several companies of the trained bands. While the people, for four days

successively, were in the utmost perplexity to determine what part to choose, being solicited by Leisler on the one hand, and threatened by the lieutenant governour on the other, the town was alarmed with a report that three ships were coming up with orders from the prince of Orange. This falsehood was very seasonably propagated to serve the interest of Leisler; for, on that day, the 3d of June, 1689, his party was augmented by the addition of six captains and four hundred men in New-York, and a company of seventy men from East Chester, who all subscribed a second declaration,* mutually covenanting to hold the fort for the prince. Colonel Dongan continued till this time in the harbour, waiting the issue of these commotions; and Nicholson's party being now unable to contend with their opponents were totally dispersed, the lieutenant governour himself absconding, the very night after the last declaration was signed.

* I have taken an exact copy of it for the satisfaction of the reader.
“Whereas our intention, tended only but to the preservation of the protestant religion, and the fort of this citty, to the end that we may avoid and prevent, the rash judgment of the world, in so just a design; wee have thought fitt, to let every body know by these publick proclamation, that till the safe arryvell of the ships, that wee expect every day, from his royal highness the prince of Orange, with orders for the government of this country in the behalf of such person, as the said royal highness had chosen, and honoured with the charge of a governour, that as soon as the bearer of the said orders, shall have let us see his power, then, and without any delay, we shall execute the said orders punctually; declaring that we do intend to submit and obey, not only the said orders, but also the bearer thereof, committed for the execution of the same. In witness hercof, we have signed these presents, the third of June, 1689.

Leisler being now in complete possession of the fort, sent home an address to king William and queen Mary, as soon as he received the news of their accession to the throne. It is a tedious, incorrect, ill-drawn narrative of the grievances which the people had endured, and the methods lately taken to secure themselves, ending with a recognition of the sovereignty of the king and queen over the whole English dominions.

This address was soon followed by a private letter from Leisler to king William, which, in very broken English, informs his majesty of the state of the garrison, the repairs he had made to it, and the temper of the people, and concludes with strong protestations of his sincerity, loyalty, and zeal. Jost Stoll, an ensign, on the delivery of this letter to the king, had the honour to kiss his majesty's hand, but Nicholson, the lieutenant governour, and one Ennis, an episcopal clergyman, arrived in England before him ; and by falsely representing the late measures in New-York, as proceeding rather from their aversion to the church of England, than zeal for the prince of Orange, Leisler and his party missed the rewards and notice which their activity for the revolution justly deserved. For though the king made Stoll the bearer of his thanks to the people for their fidelity, he so little regarded Leisler's complaints against Nicholson, that he was soon after preferred to the government of Virginia. Dongan returned to Ireland, and, it is said, succeeded to the earldom of Limerick.

Leisler's sudden investiture with supreme power over the province, and the probable prospects of king William's approbation of his conduct, could not but excite the envy and jealousy of the late council and ma-

gistrates, who had refused to join in the glorious work of the revolution ; and hence the spring of all their aversion, both to the man and his measures. Colonel Bayard, and Courtland, the mayor of the city, were at the head of his opponents, and finding it impossible to raise a party against him in the city, they very early retired to Albany, and there endeavoured to foment the opposition. Leisler, on the other hand, fearful of their influence, and to extinguish the jealousy of the people, thought it prudent to admit several trusty persons to a participation of that power, which the militia on the 1st of July had committed solely to himself. In conjunction with these, (who, after the Boston example, were called the committee of safety) he exercised the government, assuming to himself only the honour of being president in their councils. This model continued till the month of December, when a packet arrived with a letter from the lords Carmarthen, Halifax, and others, directed “ to Francis Nicholson, esq ; or in his absence, to such as for the time being, take care for preserving the peace and administering the laws, in their majesties’ province of New-York, in America.” This letter was dated the 29th of July, and was accompanied with another from lord Nottingham, dated the next day, which, after empowering Nicholson to take upon him the chief command, and to appoint for his assistance as many of the principal freeholders and inhabitants as he should think fit, requiring also “ to do every thing appertaining to the office of lieutenant governour, according to the laws and customs of New-York, until further orders.”

Nicholson being absconded when this packet came to hand, Leisler considered the letter as directed to him-

self, and from this time issued all kinds of commissions in his own name, assuming the title, as well as authority, of lieutenant governour. On the 11th of December, he summoned the committee of safety, and agreeable to their advice, swore the following persons for his council : Peter de Lanoy, Samuel Staats, Hendrick Jansen, and Johannes Vermilie, for New-York. Gerardus Beekman, for King's county. For Queen's county, Samuel Edsel. Thomas Williams, for Westchester. William Lawrence, for Orange county.

Except the eastern inhabitants of Long Island, all the southern part of the colony cheerfully submitted to Leisler's command. The principal freeholders, however, by their respectful letters, gave him hopes of their submission, and thereby prevented his betaking himself to arms, while they were privately soliciting the colony of Connecticut to take them under its jurisdiction. They had indeed no aversion to Leisler's authority, in favour of any other party in the province, but were willing to be incorporated with a people from whence they had originally colonized ; and, therefore, as soon as Connecticut declined their request, they openly appeared to be advocates for Leisler. At this juncture the Long Island representation was drawn up, which I have more than once had occasion to mention.

The people of Albany, in the mean time, were determined to hold the garrison and city for king William, independent of Leisler, and on the 26th of October, which was before the packet arrived from lord Nottingham, formed themselves into a convention for that purpose. As Leisler's attempt to reduce this country to his command, was the original cause of the future divisions in the province, and in the end brought

about his own ruin, it may not be improper to see the resolution of the convention, a copy of which was sent down to him at large.

Peter Schuyler, Mayor,
Dirk Wessels, Recorder,
Jan Wandal,
Jan Jansen Bleeker,

Claes Ripse,
David Schuyler,
Albert Ryckman, } Aldermen.

Killian V. Renslaer, Justice,
Capt. Marte Gerritse, Justice,
Capt. Gerrit Tunisse,
Dirk Tunisse, Justice,
Lieut. Robert Sanderse,

John Cuyler,
Gerrit Ryerse,
Evert Banker,
Rynier Barentse.

“ Resolved, since we are informed by persons coming from New-York, that captain Jacob Leisler is designed to send up a company of armed men, upon pretence to assist us in this country, who intend to make themselves master of their majesties’ fort and this city, and carry divers persons and chief officers of this city, prisoners to New-York, and so disquiet and disturb their majesties’ liege people, that a letter be writ to alderman Levinus Van Schaic, now at New-York, and lieutenant Jochim Staets, to make narrow enquiry of the business, and to signify to the said Leisler, that we have received such information ; and withal acquaint him, that notwithstanding we have the assistance of ninety-five men from our neighbours of New-England, who are now gone for, and one hundred men upon occasion, to command, from the county of Ulster, which we think will be sufficient this winter, yet we will willingly accept any such assistance as they shall be pleased to send for the defence of their majesties’ county of Albany : Provided, they be obedient to, and obey such orders and commands, as they shall, from time to time, receive from the convention ; and that by no means

they will be admitted, to have the command of their majesties' fort or this city ; which we intend, by God's assistance, to keep and preserve for the behoof of their majesties William and Mary, king and queen of England, as we hitherto have done since their proclamation ; and if you hear, that they persevere with such intentions, so to disturb the inhabitants of this county, that you then, in the name and behalf of the convention and inhabitants of the city and county of Albany, protest against the said Leisler, and all such persons that shall make attempt, for all losses, damages, bloodshed, or whatsoever mischiefs may ensue thereon ; which you are to communicate with all speed, as you perceive their design."

Taking it for granted, that Leisler at New-York, and the convention at Albany, were equally affected to the revolution, nothing could be more egregiously foolish, than the conduct of both parties, who, by their intestine divisions, threw the province into convulsions, and sowed the seeds of mutual hatred and animosity, which, for a long time after, greatly embarrassed the publick affairs of the colony. When Albany declared for the prince of Orange, there was nothing else that Leisler could properly require : and rather than sacrifice the publick peace of the province, to the trifling honour of resisting a man who had no evil designs, Albany ought in prudence to have delivered the garrison into his hands, till the king's definitive orders should arrive. But while Leisler, on the one hand, was inebriated with his new gotten power, so on the other, Bayard, Courtland, Schuyler, and others, could not brook a submission to the authority of a man, mean in his abilities, and inferiour in his degree. Animated by

these principles, both parties prepared, the one to reduce, if I may use the expression, the other to retain, the garrison of Albany. Mr. Livingston, a principal agent for the convention, retired into Connecticut, to solicit the aid of that colony for the protection of the frontiers against the French. Leisler suspecting that they were to be used against him, endeavoured not only to prevent these supplies, but wrote letters, to have Livingston apprehended as an enemy to the reigning powers, and to procure succours from Boston, falsely represented the convention as in the interest of the French and king James.

Jacob Milborne was commissioned for the reduction of Albany. Upon his arrival there, a great number of the inhabitants armed themselves and repaired to the fort, then commanded by Mr. Schuyler, while many others followed the other members of the convention to a conference with him at the city hall. Milborne, to proselyte the crowd, declaimed much against king James, popery, and arbitrary power; but his oratory was lost upon the hearers, who, after several meetings, still adhered to the convention. Milborne then advanced with a few men up to the fort, and Mr. Schuyler had the utmost difficulty to prevent both his own men, and the Mohawks, who were then in Albany, and perfectly devoted to his service, from firing upon Milborne's party, which consisted of an inconsiderable number. In these circumstances, he thought proper to retreat, and soon after departed from Albany. In the spring he commanded another party upon the same errand, and the distress of the country upon an Indian irruption, gave him all the desired success. No sooner was he possessed of the garrison, than most of the prin-

cipal members of the convention absconded. Upon which, their effects were arbitrarily seized and confiscated, which so highly exasperated the sufferers, that their posterity, to this day, cannot speak of these troubles, without the bitterest invectives against Leisler and all his adherents.

In the midst of those intestine confusions at New-York, the people of New-England, were engaged in a war with the Owenagungas, Ourages, and Penocoks. Between these and the Schakook Indians, there was then a friendly communication, and the same was suspected of the Mohawks, among whom some of the Owenagungas had taken sanctuary. This gave rise to a conference between several commissioners from Boston, Plymouth, and Connecticut, and the Five Nations, at Albany, in September, 1689, the former endeavouring to engage the latter, against those eastern Indians, who were then at war with the New-England colonies. Tahajadoris, a Mohawk sachem, in a long oration, answered the English message, and, however improbable it may seem to Europeans, repeated all that had been said the preceding day. The art they have in assisting their memories is this. The sachem who presides, has a bundle of sticks prepared for the purpose, and at the close of every principal article of the message delivered to them, gives a stick to another sachem charging him with remembrance of it. By this means the oratour, after a previous conference with the Indians, is prepared to repeat every part of the message, and give it its proper reply. This custom is invariably pursued in all their publick treaties.

The conference did not answer the expectation of the people of New-England, the Five Nations discovering

a great disinclination to join in the hostilities against the eastern Indians. To atone for which, they gave the highest protestations of their willingness to distress the French, against whom the English had declared war, on the 7th of May preceding. That part of the speech ratifying their friendship with the English colonies, is singularly expressed. "We promise to preserve the chain inviolably, and wish that the sun may always shine in peace over all our heads that are comprehended in this chain.* We give two belts. One for the sun, and the other for its beams. We make fast the roots of the tree of peace and tranquility which is planted in this place. Its roots extend as far as the utmost of your colonies; if the French should come to shake this tree, we would feel it by the motion of its roots, which extend into our country. But we trust it will not be in the governour of Canada's power to shake this tree, which has been so firmly, and long planted with us."

Nothing could have been more advantageous to these colonies, and especially to New-York, than the late success of the Five Nations against Canada. The miseries to which the French were reduced, rendered us secure against their inroads, till the work of the revolution was in a great measure accomplished; and to their distressed condition, we must principally ascribe the defeat of the French design, about this time, to make a conquest of the province. De Callieres, who

* The Indians' conception of the league between them and us, is couched under the idea of a chain extended from a ship to a tree; and every renewal of this league they call brightening the chain.

went to France in 1688, first projected the scheme ;* and the troubles in England encouraged the French court to make the attempt. Caffiniere commanded the ships which sailed for that purpose from Rochefort ; subject, nevertheless, to the count De Frontenac, who was general of the land forces, destined to march from Canada by the rout of Sorel river and the lake Champlain. The fleet and troops arrived at Chebucta, the place of rendezvous, in September : from whence the count proceeded to Quebec, leaving orders with Caffiniere to sail for New-York, and continue in the bay, in sight of the city, but beyond the fire of our cannon, till the 1st December : when, if he received no intelligence from him, he was ordered to return to France, after unlading the ammunition, stores, and provisions at Port-Royal.† The count was in high spirits, and fully determined upon the enterprise, till he arrived at Quebec ; where the news of the success of the Five Nations against Montreal, the loss of his favourite fort at lake Ontario, and the advanced season of the year, defeated his aims, and broke up the expedition. De Nonville, who was recalled, carried the news of this disappointment to the court of France, leaving the chief command of the country in the hands of count Frontenac. This

* Charlevoix has published an extract of the memorial presented to the French king. The force demanded for this enterprise was to consist of 1300 regulars, and 300 Canadians. Albany was said to be fortified only by an inclosure of stockadoes and a little fort with four bastions ; and that it contained but 150 soldiers and 300 inhabitants. That New-York, the capital of the province, was open, had a stone fort with four bastions, and about four hundred inhabitants, divided into eight companies.

† Now Annapolis.

gentleman was a man of courage, and well acquainted with the affairs of that country. He was then in the 68th year of his age, and yet so far from consulting his ease, that in a few days after he landed at Quebec, he re-embarked in a canoe for Montreal, where his presence was absolutely necessary, to animate the inhabitants and regain their Indian alliances. A war, between the English and French crowns, being broke out, the count betook himself to every art, for concluding a peace between Canada and the Five Nations ; and for this purpose, the utmost civilities were shown to Taweraket and the other Indians, who had been sent to France by De Nonville, and were now returned. Three of those Indians, who doubtless were struck with the grandeur and glory of the French monarch, were properly sent on the important message of conciliating the friendship of the Five Nations. These, agreeable to our alliance, sent two sachems to Albany, in December, with notice that a council for that purpose was to be held at Onondaga. It is a just reflection upon the people of Albany, that they regarded the treaty so slightly, as only to send four Indians and the interpreter with instructions, in their name, to dissuade the confederates from a cessation of arms ; while the French, on the other hand, had then a jesuit among the Oneydoes. The council began on the 22d of January, 1690, and consisted of eighty sachems. Sadekanaghtie, an Onondaga chief, opened the conference. The whole was managed with great art and formality, and concluded in showing a disposition to make peace with the French, without perfecting it ; guarding, at the same time, against giving the least umbrage to the English.

Among other measures to detach the Five Nations from the British interest, and raise the depressed spirit of the Canadians, the count De Frontenac thought proper to send out several parties against the English colonies. D'Aillebout, De Mantel, and Le Moyne, commanded that against New-York, consisting of about two hundred French and some Caghnuaga Indians, who, being proselytes from the Mohawks, were perfectly acquainted with that country. Their orders were, in general, to attack New-York ; but pursuing the advice of the Indians, they resolved, instead of Albany, to surprise Schenectady, a village seventeen miles northwest from it, and about the same distance from the Mohawks. The people of Schenectady, though they had been informed of the designs of the enemy, were in the greatest security ; judging it impracticable for any men to march several hundred miles, in the depth of winter, through the snow, bearing their provisions on their backs. Besides the village was in as much confusion as the rest of the province ; the officers who were posted there, being unable to preserve a regular watch, or any kind of military order. Such was the state of Schenectady, as represented by colonel Schuyler, who was at that time mayor of the city of Albany, and at the head of the convention. A copy of his letter to the neighbouring colonies, concerning this descent upon Schenectady, dated 15th of February, 1689-90, I have now lying before me, under his own hand.

After two and twenty days march, the enemy fell in with Schenectady, on the 8th of February ; and were reduced to such streights, that they had thoughts of surrendering themselves prisoners of war. But their scouts, who were a day or two in the village entirely unsuspect-

ed, returned with such encouraging accounts of the absolute security of the people, that the enemy determined on the attack. They entered on Saturday night about eleven o'clock, at the gates, which were found unshut ; and, that every house might be invested at the same time, divided into small parties of six, or seven men. The inhabitants were in a profound sleep, and unalarmed, till their doors were broke open. Never were people in a more wretched consternation. Before they were risen from their beds, the enemy entered their houses, and began the perpetration of the most inhuman barbarities. No tongue, says colonel Schuyler, can express the cruelties that were committed. The whole village was instantly in a blaze. Women with child ripped open, and their infants cast into the flames, or dashed against the posts of the doors. Sixty persons perished in the massacre, and twenty seven were carried into captivity. The rest fled naked towards Albany, through a deep snow which fell that very night in a terrible storm ; and twenty-five of these fugitives, lost their limbs in the flight, through the severity of the frost. The news of this dreadful tragedy reached Albany about break of day ; and universal dread seized the inhabitants of that city, the enemy being reported to be one thousand four hundred strong. A party of horse was immediately dispatched to Schenectady, and a few Mohawks, then in the town, fearful of being intercepted, were with difficulty sent to apprise their own castles.

The Mohawks were unacquainted with this bloody scene, till two days after it happened ; our messengers being scarce able to travel through the great depth of snow. The enemy, in the mean time, pillaged the town of Schenectady till noon the next day ; and then

went off with their plunder, and about forty of their best horses. The rest, with all the cattle they could find, lay slaughtered in the streets.

The design of the French, in this attack, was to alarm the fears of our Indian allies, by shewing that we were incapable of defending them. Every art also was used to conciliate their friendship, for they not only spared those Mohawks who were found in Schenectady, but several other particular persons, in compliment to the Indians, who requested that favour. Several women and children were also released at the desire of captain Glen, to whom the French offered no violence ; the officer declaring he had strict orders against it, on the score of his wife's civilities to certain French captives in the time of colonel Dongan.

The Mohawks, considering the cajoling arts of the French, and that the Caghnuagas who were with them, were once a part of their own body, behaved as well as could be reasonably expected. They joined a party of young men from Albany, fell upon the rear of the enemy, and either killed or captivated five and twenty. Several sachems, in the mean time, came to Albany, and very affectingly addressed the inhabitants, who were just ready to abandon the country ; urging their stay, and exciting an union of all the English colonies against Canada. Their sentiments concerning the French appear from the following speech of condolence. " Brethren, we do not think, that what the French have done can be called a victory : it is only a farther proof of their cruel deceit : the governour of Canada, sent to Onondaga, and talks to us of peace with our whole house ; but war was in his heart, as you now see by woful experience. He did the same, formerly, at Cadar-

acqui, and in the Seneca's country. This is the third time he has acted so deceitfully. He has broken open our house, at both ends ; formerly in the Seneca's country, and now here. We hope however to be revenged of them."

Agreeable to this declaration, the Indians soon after treated the chevalier d'Eau and the rest of the French messengers, who came to conclude the peace proposed by Taweraket, with the utmost indignity ; and afterwards delivered them up to the English. Besides this, their scouts harrassed the borders of the enemy, and fell upon a party of French and Indians, in the river, about one hundred and twenty miles above Montreal, under the command of Louvigni, a captain, who was going to Missilimakinac, to prevent the conclusion of the peace between the Utawawas and Quatoghies, with the Five Nations. The loss in this skirmish was nearly equal on both sides. One of our prisoners was delivered to the Utawawas, who ate him. In revenge for this barbarity, the Indians attacked the island of Montreal, at Trembling Point, and killed an officer and twelve men ; while another party carried off about fifteen prisoners taken at Riviere Puante, whom they afterwards slew, through fear of their pursuers ; and others burnt the French plantations at St. Æurs. But what rendered this year most remarkable, was the expedition of sir William Phips against Quebec. He sailed up the river with a fleet of thirty-two sail, and came before the city in October. Had he improved his time and strength, the conquest would have been easy ; but by spending three days in idle consultations, the French governour brought in his forces, and entertained such a mean opinion of the English knight, that he not only

despised his summons to surrender, but sent a verbal answer, in which he called king William an usurper, and poured the utmost contempt upon his subjects. The messenger, who carried the summons, insisted upon a written answer, and that within an hour; but the count de Frontenac absolutely refused it, adding, "I'll answer your master by the mouth of my cannon, that he may learn that a man of my condition is not to be summoned in this manner." Upon this, sir William made two attempts to land below the town, but was repulsed by the enemy, with considerable loss of men, cannon and baggage. Several of the ships also cannonaded the city, but without any success. The forts at the same time returned the fire, and obliged them to retire in disorder. The French writers, in their accounts of this expedition, universally censure the conduct of sir William, though they confess the valour of his troops. La Hontan, who was then at Quebec, says, he could not have acted in a manner more agreeable to the French, if he had been in their interest.*

* Dr. Colden supposes this attack was made upon Quebec, in 1691, but he is certainly mistaken; see life of sir William Phips, published at London, 1697...Oldmixon's Brit. Empire...and Charlevoix.

Among the causes of the ill success of the fleet, the author of the life of sir William Phips, mentions the neglect of the conjoined troops of New-York, Connecticut, and the Indians, to attack Montreal, according to the original plan of operations. He tells us, that they marched to the lake, but there found themselves unprovided with battoes, and that the Indians were dissuaded from the attempt. By what authority these assertions may be supported, I know not. Charlevoix says our army was disappointed in the intended diversion, by the small pox, which seized the camp, killed three hundred men, and terrified our Indian allies.



HISTORY OF NEW-YORK.



PART III.

From the Revolution to the second Expedition against Canada.



WHILE our allies were faithfully exerting themselves against the common enemy, colonel Henry Sloughter, who had a commission to be governour of this province, dated the 4th of January, 1689, arrived here, and published it on the 19th of March, 1691. Never was a governour more necessary to the province, than at this critical conjuncture ; as well for reconciling a divided people, as for defending them against the wiles of a cunning adversary. But either through the hurry of the king's affairs, or the powerful interest of a favourite, a man was sent over, utterly destitute of every qualification for government, licentious in his morals, avaricious, and poor. The council present at his arrival were,

Joseph Dudley,	Gabriel Mienvielle,
Frederick Philipse,	Chudley Brook,
Stephen Van Courtlandt,	Thomas Willet,
William Pinhorne.	

If Leisler had delivered the garrison to colonel Sloughter, as he ought to have done, upon his first landing, besides extinguishing, in a great degree, the animosities then subsisting, he would, doubtless, have attracted the favourable notice, both of the governour

and the crown. But being a weak man, he was so intoxicated with the love of power, that though he had been well informed of Sloughter's appointment to the government, he not only shut himself up in the fort with Bayard and Nichols, whom he had, before that time, imprisoned, but refused to deliver them up, or to surrender the garrison. From this moment he lost all credit with the governour, who joined the other party against him. On the second demand of the fort, Milborne and De Lanoy came out, under pretence of conferring with his excellency, but in reality to discover his designs. Sloughter, who considered them as rebels, threw them both into gaol. Leisler, upon this event, thought proper to abandon the fort, which colonel Sloughter immediately entered. Bayard and Nichols were now released from their confinement, and sworn of the privy council. Leisler having thus ruined his cause, was apprehended with many of his adherents, and a commission of oyer and terminer issued to sir Thomas Robinson, colonel Smith, and others, for their trials.

In vain did they plead the merit of their zeal for king William, since they had so lately opposed his governour. Leisler, in particular, endeavoured to justify his conduct, insisting that lord Nottingham's letter entitled him to act in the quality of lieutenant governour. Whether it was through ignorance or sycophancy, I know not : but the judges instead of pronouncing their own sentiments upon this part of the prisoner's defence, referred it to the governour and council, praying their opinion, whether that letter " or any other letters, or papers, in the packet from Whitehall, can be understood, or interpreted, to be and contain, any power, or direction to captain Leisler, to take the government of

this province upon himself, or that the administration thereupon be holden good in law." The answer was, as might have been expected, in the negative; and Leisler and his son were condemned to death for high treason. These violent measures drove many of the inhabitants, who were fearful of being apprehended, into the neighbouring colonies which shortly after occasioned the passing an act of general indemnity.

From the surrender of the province to the year 1683, the inhabitants were ruled by the duke's governours and their councils, who, from time to time, made rules and orders, which were esteemed to be binding as laws. These, about the year 1674, were regularly collected under alphabetical titles; and a fair copy of them remains, among our records, to this day. They are commonly known by the name of the duke's laws. The title page of the book, written in the old court hand, is in these bald words,

J U S
NOVÆ EBORACENSIS ;
V E L,
LEGES ILLUSTRISSIMO PRINCIPE JACOBI DUCE
EBORACI ET ALBANÆ, ETC.
INSTITUTÆ ET ORDINATÆ,
AD OBSERVANDUM IN TERRITORIIS AMERICÆ ;
TRANSCRIPTÆ,
ANNO DOMINI
M.DC.LXXIV.

Those acts which were made in 1683, and after the duke's accession to the throne, when the people were admitted to a participation of the legislative power, are for the most part rotten, defaced, or lost. Few minutes relating to them remain on the council books, and none in the journals of the house.

As this assembly, in 1691, was the first after the revolution, it may not be improper to take some particular notice of its transactions.*

It began the 9th of April, according to the writs of summons issued on the 20th of March preceding. The journal of the house opens with a list of the members returned by the sheriffs.

City and county of New-York.	County of Richmond.
James Graham,	Elias Dukesbury,
William Merrett,	John Dally.
Jacobus Van Courtlandt,	County of Westchester.
Johannes Kipp.	John Pell.
City and county of Albany.	County of Suffolk.
Derrick Wessels,	Henry Pierson,
Levinus Van Scaeyck.	Mathew Howell.
Ulster and Dutchess county.	Queen's county.
Henry Beekman,	John Bound,
Thomas Garton.	Nathaniel Percall,
	King's county.
	Nicholas Stillwell,
	John Poland.

The members for Queen's county, being quakers, were afterwards dismissed, for refusing the oaths directed by the governour's commission; but all the rest were qualified before two commissioners appointed for that purpose.

James Graham was elected their speaker, and approved by the governour.

The majority of the members of this assembly were against the measures which Leisler pursued in the lat-

* All laws made here, antecedent to this period, are disregarded both by the legislature and the courts of law. In the collection of our acts, published in 1752, the compilers were directed to begin at this assembly. The validity of the old grants of the powers of government, in several American colonies, is very much doubted in this province.

ter part of his time ; and hence we find the house, after considering a petition, signed by sundry persons, against Leisler, unanimously resolved, that his dissolving the late convention, and imprisoning several persons, was tumultuous, illegal, and against their majesties' right, and that the late depredations on Schenectady were to be attributed to his usurpation of all power.

They resolved against the late forcible seizures made of effects of the people, and against the levying of money on their majesties' subjects. And as to Leisler's holding the fort against the governour, it was voted to be an act of rebellion.

The house having, by these agreeable resolves, prepared the way of their access to the governour, addressed him in these words :

“ May it please your excellency,

“ We their majesties' most dutiful and loyal subjects, convened, by their majesties' most gracious favour, in general assembly, in this province, do, in all most humble manner, heartily congratulate your excellency, that as, in our hearts, we do abhor and detest all the rebellious, arbitrary, and illegal proceedings of the late usurpers of their majesties' authority over this province, so we do, from the bottom of our hearts, with all integrity, acknowledge and declare, that there are none, that can or ought to have right to rule and govern their majesties' subjects here, but by their majesties' authority, which is now placed in your excellency ; and therefore we do solemnly declare, that we will, with our lives and fortunes, support and maintain the administration of your excellency's government, under their majesties, against all their majesties' enemies whatsoever : and this we humbly pray your excellency to accept as the sincere acknowledgment of all their

majesties' good subjects within this their province ; praying for their majesties' long and happy reign over us, and that your excellency may long live and rule, as according to their majesties' most excellent constitution of governing their subjects by a general assembly."

Before this house proceeded to pass any acts, they unanimously resolved, " That all the laws consented to by the general assembly, under James duke of York, and the liberties and privileges therein contained, granted to the people, and declared to be their rights, not being observed, nor ratified and approved by his royal highness, nor the late king, are null and void, and of none effect ; and also, the several ordinances, made by the late governours and councils, being contrary to the constitution of England, and the practice of the government of their majesties' other plantations in America, are likewise null and void, and of no effect, nor force, within this province."

Among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it, were made payable into the hands of the receiver general, and issued by the governour's warrant. By this means the governour became, for a season, independent of the people, and hence we find frequent instances of the assemblies contending with him for the discharge of debts to private persons, contracted on the faith of the government.

Antecedent to the revolution, innumerable were the controversies relating to publick townships and private rights ; and hence, an act was now passed, for the confirmation of ancient patents and grants, intended to put an end to those debates. A law was also passed for the

establishment of courts of justice, though a perpetual act had been made to that purpose in 1683, and the old court of assize entirely dissolved in 1684. As this enacted in 1691, was a temporary law, it may hereafter be disputed, as it has been already, whether the present establishment of our courts, for general jurisdiction, by an ordinance, can consist even with the preceding act, or the general rules of law. Upon the erection of the supreme court, a chief justice, and four assistant judges, with an attorney general, were appointed. The chief justice, Joseph Dudley, had a salary of 130*l.* per annum; Johnson, the second judge, 100*l.* and both were payable out of the revenue; but William Smith, Stephen Van Courtlandt, and William Pinhorne, the other judges, and Newton, the attorney general, had nothing allowed for their services.

It has, more than once, been a subject of animated debate, whether the people, in this colony, have a right to be represented in assembly, or whether it be a privilege enjoyed through the grace of the crown. A memorable act passed this session, virtually declared in favour of the former opinion, upon that, and several other of the principal and distinguishing liberties of Englishmen. It must, nevertheless, be confessed, that king William was afterwards pleased to repeal that law, in the year 1697.*

Colonel Sloughter proposed, immediately after the session, to set out to Albany, but as Leisler's party were enraged at his imprisonment, and the late sentence

* It was entitled, "An act declaring what are the rights and privileges of their majesties' subjects inhabiting within their province of New-York,"

against him, his enemies were afraid new troubles would spring up in the absence of the governour ; for this reason, both the assembly and council advised that the prisoners should be immediately executed. Sloughter, who had no inclination to favour them in this request, chose rather to delay such a violent step, being fearful of cutting off two men, who had vigorously appeared for the king, and so signally contributed to the revolution. Nothing could be more disagreeable to their enemies, whose interest was deeply concerned in their destruction. And, therefore, when no other measures could prevail with the governour, tradition informs us, that a sumptuous feast was prepared, to which colonel Sloughter was invited. When his excellency's reason was drowned in his cups, the entreaties of the company prevailed with him to sign the death warrant, and before he recovered his senses, the prisoners were executed. Leisler's son afterwards carried home a complaint to king William, against the governour. His petition was referred, according to the common course of plantation affairs, to the lords commissioners of trade, who, after hearing the whole matter, reported on the 11th of March, 1692, that they were humbly of opinion, that Jacob Leisler and Jacob Milborne, deceased, were condemned and had suffered according to law." Their lordships, however, interceded for their families, as fit objects of mercy, and this induced queen Mary, who approved the report, on the 17th of March, to declare, " that upon the humble application of the relations of the said Jacob Leisler and Jacob Milborne, deceased, her majesty will order the estates of Jacob Leisler and Jacob Milborne, to be restored to their families, as objects of her majesty's mercy." The bodies of these unhappy sufferers

were afterwards taken up and interred, with great pomp, in the old Dutch church, in the city of New-York. Their estates were restored to their families, and Leisler's children, in the publick estimation, are rather dignified, than disgraced, by the fall of their ancestor.

These distractions in the province so entirely engrossed the publick attention, that our Indian allies, who had been left solely to contend with the common enemy, grew extremely disaffected. The Mohawks, in particular, highly resented this conduct ; and, at the instance of the Caghnuagas, sent a messenger to Canada, to confer with count Frontenac about a peace. To prevent this, colonel Sloughter had an interview at Albany, in June, with the other four nations, who expressed their joy at seeing a governour again in that place. They told him that their ancestors, as they had been informed, were greatly surprised at the arrival of the first ship in that country, and were curious to know what was its huge belly. That they found Christians in it, and one Jacques, with whom they made a chain of friendship, which they had preserved to this day. All the Indians, except the Mohawks, assured the governour, at this meeting, of their resolution to prosecute the war. The Mohawks confessed their negotiations with the French, that they had received a belt from Canada, and prayed the advice of the governour, and afterwards renewed their league with all our colonies.

Sloughter soon after returned to New-York, and ended a short, weak, and turbulent administration, for he died suddenly on the 23d of July, 1691. Some were not without suspicions that he came unfairly to his end, but the certificate of the physician and surgeons who open-

ed his body, by an order of council, confuted these conjectures, and his remains were interred in Stuyvesant's vault, next to those of the old Dutch governour.

At the time of Sloughter's decease, the government devolved, according to the late act for declaring the rights of the people of this province, on the council, in which Joseph Dudley had a right to preside ; but they committed the chief command to Richard Ingolsby, a captain of an independent company, who was sworn into the office of president on the 26th of July, 1698. Dudley, soon afterwards, returned to this province, from Boston, but did not think proper to dispute Ingolsby's authority, though the latter had no title, nor the greatest abilities for government, and was besides obnoxious to the party who had joined Leisler, having been an agent in the measures which accomplished his ruin. To the late troubles, which were then recent, and the agreement subsisting between the council and assembly, we must ascribe it, that the former tacitly acknowledged Ingolsby's right to the president's chair ; for they concurred with him, in passing several laws, in autumn and the spring following, the validity of which has never yet been disputed.

This summer major Schuyler,* with a party of Mohawks, passed through the lake Champlain, and made a bold irruption upon the French settlements, at the north

* The French, from his great influence at Albany, and activity among the Indians, concluded that he was the governour of that city ; and hence their historians honour him with that title, though he was then only mayor of the corporation. " Pierre Schuyler, says Charlevoix, etoit un fort honnete homme."

end of it.* De Callieres, the governour of Montreal, to oppose him, collected a small army, of eight hundred men, and encamped at La Prairie. Schuyler had several conflicts with the enemy, and slew about three hundred of them, which exceeded in number his whole party. The French, ashamed of their ill success, attribute it to the want of order, too many desiring to have the command. But the true cause was the ignorance of their officers in the Indian manner of fighting. They kept their men in a body, while ours posted themselves behind trees, hidden from the enemy. Major Schuyler's design, in this descent, was to animate the Indians, and preserve their enmity with the French. They, accordingly, continued their hostilities against them, and, by frequent incursions, kept the country in constant alarm.

In the midst of these distresses, the French governour preserved his sprightliness and vigour, animating every body about him. After he had served himself of the Utawawas, who came to trade at Montreal, he sent them home under the care of a captain and one hundred and ten men; and to secure their attachment to the French interest, gave them two Indian prisoners, and, besides, sent very considerable presents to the western Indians, in their alliance. The captives were afterwards burnt. The Five Nations, in the mean time, grew more and more incensed, and continually harrassed the French borders. Mr. Beaucour, a young gentleman, in the following winter, marched a body of about three hundred men to attack them at the isthmus, at Niagara. Incredible were

* Dr. Colden relates it as a transaction of the year 1691, which is true: but he supposes it was before sir William Phips' attack upon Quebec, and thus falls into an anachronism of a whole year, as I have already observed.

the fatigues they underwent in this long march over the snow, bearing their provisions on their backs. Eighty men, of the Five Nations, opposed the French party and bravely maintained their ground, till most of them were cut off. In return for which, the confederates, in small parties, obstructed the passage of the French through lake Ontario, and the river issuing out of it, and cut off their communication with the western Indians. An Indian called Black Kettle, commanded in these incursions of the Five Nations, and his successes, which continued the whole summer, so exasperated the count, that he ordered an Indian prisoner to be burnt alive. The bravery of this savage was as extraordinary, as the torments inflicted on him were cruel. He sung his military achievements without interruption, even while his bloody executioners practised all possible barbarities. They broiled his feet, thrust his fingers into red hot pipes, cut his joints, and twisted the sinews with bars of iron. After this his scalp was ripped off, and hot sand poured on the wound.

In June, 1692, captain Ingolsby met the Five Nations at Albany, and encouraged them to persevere in the war. The Indians declared their enmity to the French, in the strongest terms, and as heartily professed their friendship to us. “ Brother Corlear, said the sachem, we are all subjects of one great king and queen, we have one head, one heart, one interest, and are all engaged in the same war.” The Indians, at the same time, did not forget, at this interview, to condemn the inactivity of the English, telling them, that the destruction of Canada would not make one summer’s work, against their united strength, if vigorously exerted.

Colonel Benjamin Fletcher arrived, with a commission to be governour, on the 29th of August, 1692, which was published the next day, before the following members, in council :

Frederick Philipse,	Chudley Brooke,
Stephen Van Courtlandt,	William Nicoll,
Nicholas Bayard,	Thomas Willet,
Gabriel Mienvielle,	Thomas Johnson.

William Pinhorne, one of that board, being a non resident, was refused the oaths ; and Joseph Dudley, for the same reason removed, both from his seat in council and his office of chief justice. Caleb Heathcote and John Young succeeded them in council : and William Smith was seated, in Dudley's place, on the bench.

Colonel Fletcher brought over with him a present to the colony, of arms, ammunition and warlike stores ; in gratitude for which, he exhorted the council and assembly, who were sitting at his arrival, to send home an address of thanks to the king. It consists, principally, of a representation of the great expense the province was continually at to defend the frontiers, and praying his majesty's direction that the neighbouring colonies might be compelled to join their aid for the support of Albany. The following passage in it shows the sense of the legislature upon a matter which has since been very much debated. " When these countries were possessed by the Dutch West-India company, they always had pretences (and had most part of it within their actual jurisdiction) to all that tract of land (with the islands adjacent) extending, from the west side of Connecticut river, to the lands lying on the west side of Delaware bay, as a suitable portion of land for one colony or government ; all which, including the lands on

the west of Delaware bay or river, were in the duke of York's grant, from his majesty king Charles the second, whose governours also possessed those lands on the west side of Delaware bay or river. By several grants, as well from the crown, as from the duke, the said province has been so diminished, that it is now decreased to a very few towns and villages ; the number of men fit to bear arms, in the whole government, not amounting to three thousand, who are all reduced to great poverty."

Fletcher was by profession a soldier, a man of strong passions, and inconsiderable talents, very active and equally avaricious. Nothing could be more fortunate to him than his early acquaintance with major Schuyler, at Albany, at the treaty for confirmation of the Indian alliance, the fall after his arrival. No man, then in this province, understood the state of our affairs with the Five Nations better than major Schuyler. He had so great an influence over them, that whatever Quider,* as they called him, recommended or disapproved, had the force of a law. This power over them was supported, as it had been obtained, by repeated offices of kindness, and his singular bravery and activity in the defence of his country. These qualifications rendered him singularly serviceable and necessary, both to the province and governour. For this reason Fletcher took him into his confidence, and, on the 25th of October, raised him to the council board. Under the tutelage of major Schuyler, the governour became daily more and more acquainted with our Indian affairs ; his constant application to which procured and

* Instead of Peter, which they could not pronounce.

preserved him a reputation and influence in the colony. Without this knowledge, and which was all that he had to distinguish himself, his incessant solicitations for money, his passionate temper, and bigotted principles, must necessarily have rendered him obnoxious to the people, and kindled a hot fire of contention in the province.

The old French governour, who found that all his measures for accomplishing a peace with the Five Nations, proved abortive, was now meditating a blow on the Mohawks. He accordingly collected an army of six or seven hundred French and Indians, and supplied them with every thing necessary for a winter campaign. They set out from Montreal, on the 15th of January, 1693; and after a march attended with incredible hardships, they passed by Schenectady, on the 6th of February, and, that night, captivated five men and some women and children, at the first castle of the Mohawks. The second castle was taken with equal ease, the Indian inhabitants being in perfect security, and, for the most part, at Schenectady. At the third, the enemy found about forty Indians in a war dance, designing to go out, upon some enterprize, the next day. Upon their entering the castle a conflict ensued, in which the French lost about thirty men. Three hundred of our Indians were made captives in this descent; and, but for the intercession of the savages in the French interest, would all have been put to the sword.*

* Dr. Colden and the jesuit Charlevoix are not perfectly agreed in the history of this irruption. I have followed sometimes the former, and at other times the latter; according as the facts, more immediately related to the conduct of their respective countrymen.

The Indians were enraged, and with good reason, at the people of Schenectady, who gave them no assistance against the enemy, though they had notice of their marching by that village. But this was atoned for by the succours from Albany. Colonel Schuyler voluntarily headed a party of two hundred men, and went out against the enemy. On the 15th of February he was joined by near three hundred Indians, ill armed, and many of them boys. A pretended deserter, who came to dissuade the Indians from the pursuit, informed him, the next day, that the French had built a fort, and waited to fight him ; upon which he sent to Ingolsby, the commandant at Albany, as well for a reinforcement as for a supply of provisions ; for the greatest part of his men came out with only a few biscuits in their pockets, and at the time they fell in with the enemy, on the 17th of the month, had been several days without any kind of food. Upon approaching the French army, sundry skirmishes ensued ; the enemy endeavouring to prevent our Indians from felling trees for their protection. Captain Syms, with eighty regulars of the independent companies, and a supply of provisions, arrived on the 19th, but the enemy had marched off the day before, in a great snow storm. Our party, however, pursued them, and would have attacked their rear, if the Mohawks had not been averse to it. When the French reached the north branch of Hudson's river, luckily a cake of ice served them to cross over it, the river being open both above and below. The frost was now extremely severe, and the Mohawks fearful of an engagement ; upon which Schuyler who had retaken about fifty Indian captives, desisted from the pursuit on the 20th of February ; four of his men and as many In-

dians being killed, and twelve wounded. Our Indians, at this time, were so distressed for provisions, that they fed upon the dead bodies of the French ; and the enemy, in their turn, were reduced, before they got home, to eat up their shoes. The French in this enterprise lost eighty men, and had above thirty wounded.

Fletcher's extraordinary dispatch up to Albany, upon the first news of this descent, gained the esteem both of the publick and our Indian allies.

The express reached New-York on the 12th of February, at ten o'clock in the night, and in less than two days, the governour embarked with three hundred volunteers. The river, which was heretofore very uncommon at that season, was open.* Fletcher landed at Albany, and arrived at Schenectady, the 17th of the month, which is about one hundred and sixty miles from New-York ; but he was still too late to be of any other use than to strengthen the ancient alliance. The Indians, in commendation of his activity on the occasion, gave him the name of Cayenguirago, or, the great swift arrow.

Fletcher returned to New-York, and, in March, met the assembly, who were so well pleased with his late vigilance, that besides giving him the thanks of the house, they raised 6000*l.* for a year's pay of three hundred volunteers, and their officers, for the defence of the frontiers.

As the greatest part of this province consisted of Dutch inhabitants, all our governours, as well in the

* The climate of late years is much altered, and this day, February 14, 1756, three hundred recruits sailed from New-York for the army under the command of general Shirley, now quartered at Albany ; and last year, a sloop went up the river a month earlier.

duke's time, as after the revolution, thought it good policy to encourage English preachers and schoolmasters in the colony. No man could be more bent upon such a project than Fletcher, a bigot to the episcopal form of church government. He, accordingly, recommended this matter to the assembly, on his first arrival, as well as at their present meeting. The house, from their attachment to the Dutch language, and the model of the church of Holland, secured by one of the articles of surrender, were entirely disinclined to the scheme, which occasioned a warm rebuke from the governour, in his speech at the close of the session, in these words: "gentlemen, the first thing that I did recommend to you, at our last meeting, was to provide for a ministry, and nothing is done in it. There are none of you, but what are big with the privileges of Englishmen and magna charta, which is your right; and the same law doth provide for the religion of the church of England, against sabbath breaking and all other profanity. But as you have made it last, and postponed it this session, I hope you will begin with it the next meeting, and do somewhat toward it effectually."

The news of the arrival of the recruits and ammunition at Canada, the late loss of the Mohawks, and the unfulfilled promises of assistance, made from time to time, by the English, together with the incessant solicitations of Milet, the jesuit, all conspired to induce the Oneydoes to sue for a peace with the French. To prevent so important an event, Fletcher met the Five Nations at Albany, in July, 1693, with a considerable present of knives, hatchets, clothing, and ammunition, which had been sent over, by the crown, for that purpose. The Indians consented to a renewal of the ancient

league, and expressed their gratitude, for the king's donation, with singular force. "Brother Cayenguirago, we roll and wallow in joy, by reason of the great favour the great king and queen have done us, in sending us arms and ammunition at a time when we are in the greatest need of them; and because there is such unity among the brethren." Colonel Fletcher pressed their delivering up to him Milet, the old priest, which they promised, but never performed. On the contrary, he had influence enough to persuade all, but the Mohawks, to treat about the peace at Onondaga, though the governor exerted himself to prevent it.

Soon after this interview, Fletcher returned to New-York; and, in September, met a new assembly, of which James Graham was chosen speaker. The governor laboured, at this session, to procure the establishment of a ministry throughout the colony, a revenue to his majesty for life, the repairing the fort in New-York, and the erection of a chapel. That part of his speech, relating to the ministry, was in these words: "I recommended, to the former assembly, the settling of an able ministry, that the worship of God may be observed among us, for I find that great and first duty very much neglected. Let us not forget that there is a God that made us, who will protect us if we serve him. This has been always the first thing I have recommended, yet the last in your consideration. I hope you are all satisfied of the great necessity and duty that lies upon you to do this, as you expect his blessing upon your labours." The zeal with which this affair was recommended, induced the house, on the 12th of September, to appoint a committee of eight members, to agree upon a scheme for settling a ministry, in each respective precinct,

throughout the province. This committee made a report the next day, but it was recommitted till the afternoon, and then deferred to the next morning. Several debates arising about the report, in the house, it was again "recommitted for farther consideration." On the 15th of September it was approved, the establishment being then limited to several parishes in four counties, and a bill ordered to be brought in accordingly; which the speaker (who, on the 18th of September, was appointed to draw all their bills,) produced on the 19th. It was read twice on the same day, and then referred to a committee of the whole house. The third reading was on the 21st of September, when the bill passed, and was sent up to the governour and council, who immediately returned it with an amendment, to vest his excellency with an episcopal power of inducting every incumbent, adding to that part of the bill near the end, which gave the right of presentation to the people, these words, "and presented to the governour, to be approved and collated." The house declined their consent to the addition, and immediately returned the bill, praying, "that it may pass without the amendment, having, in the drawing of the bill, had a due regard to that pious intent of settling a ministry, for the benefit of the people." Fletcher was so exasperated with their refusal, that he no sooner received the answer of the house, than he convened them before him, and in an angry speech broke up the session. I shall lay that part of it, relating to this bill, before the reader, because it is characteristick of the man.

"GENTLEMEN,

"There is also a bill for settling a ministry in this city, and some other countries of the government. In

that very thing you have shown a great deal of stiffness. You take upon you as if you were dictators. I sent down to you an amendment of three or four words in that bill, which, though very immaterial, yet was positively denied. I must tell you it seems very unmannerly. There never was an amendment yet desired by the council board, but what was rejected. It is the sign of a stubborn ill temper, and this have also passed.

“ But, gentlemen, I must take leave to tell you, if you seem to understand by these words that none can serve without your collation or establishment, you are far mistaken. For I have the power of collating or suspending any minister in my government, by their majesties’ letters patent ; and whilst I stay in the government I will take care that neither heresy, sedition, schism, or rebellion, be preached among you, nor vice and profanity encouraged. It is my endeavour to lead a virtuous and pious life among you, and to give a good example : I wish you all to do the same. You ought to consider that you have but a third share in the legislative power of the government ; and ought not to take all upon you, nor be so peremptory. You ought to let the council have a share. They are in the nature of the house of lords, or upper house ; but you seem to take the whole power in your hands, and set up for every thing. You have set a long time, to little purpose, and have been a great charge to the country. Ten shillings a day is a large allowance, and you punctually exact it. You have been always forward enough to pull down the fees of other ministers in the government. Why did you not think it expedient to correct your own, to a more moderate allowance ?

“Gentlemen, I shall say no more, at present, but that you do withdraw to your private affairs in the country. I do prorogue you to the tenth of January next, and you are hereby prorogued to the tenth day of January next ensuing.”

The violence of this man's temper is very evident in all his speeches and messages to the assembly ; and it can only be attributed to the ignorance of the times that the members of that house, instead of asserting their equality, peaceably put up with his rudeness. Certainly they deserved better usage at his hands. For the revenue, established the last year, was, at this session, continued for five years longer than was originally intended. This was rendering the governour, for a time, independent of the people. For at that day, the assembly had no treasure ; but the amount of all taxes went, of course, into the hands of the receiver general, who was appointed by the crown. Out of this fund monies were only issuable by the governour's warrant ; so that every officer in the government, from Mr. Blaithwait, who drew annually five per cent. out of the revenue, as auditor general, down to the meanest servant of the publick, became dependent, solely, of the governour. And hence we find the house, at the close of every session, humbly addressing his excellency for the trifling wages of their own clerk. Fletcher was, notwithstanding, so much displeased with them, that, soon after the prorogation, he dissolved the assembly.

The members of the new assembly met, according to the writ of summons, in March, 1694, and chose colonel Peirson for their speaker, Mr. Graham being left out at the election for the city. The shortness of this session, which continued only to the latter end of the

month, was owing to the disagreeable business the house began upon, of examining the state of the publick accounts, and, in particular, the muster rolls of the volunteers in the pay of the province. They, however, resumed it again in September, and formally entered their dissatisfaction with the receiver general's accounts. The governour, at the same time, blew up the coals of contention, by a demand of additional pay for the king's soldiers, then just arrived, and new supplies for detachments in defence of the frontiers. He at last prorogued them, after obtaining an act for supporting one hundred men upon the borders. The same disputes revived again in the spring, 1695; and proceeded to such lengths, that the assembly asked the governour's leave to print their minutes, that they might appeal to the publick. It was at this session, on the 12th of April, 1695, that, upon a petition of five church wardens and vestrymen of the city of New-York, the house declared it to be their opinion, "that the vestrymen and church wardens have power to call a dissenting protestant minister, and that he is to be paid and maintained as the act directs." The intent of this petition was to refute an opinion, which prevailed, that the late ministry act was made for the sole benefit of episcopal clergymen.

The quiet, undisturbed state of the frontiers, while the French were endeavouring to make a peace with the Five Nations, and the complaints of many of the volunteers, who had not received their pay, very much conduced to the backwardness of the assembly, in answering Fletcher's perpetual demands of money. But when the Indians refused to comply with the terms of peace demanded by the French governour, which were to suffer him to rebuild the fort at Cadaraqui, and to in-

clude the Indian allies, the war broke out afresh, and the assembly were obliged to augment both their detachments and supplies. The count Frontenac now levelled his wrath principally against the Mohawks, who were more attached, than any other of the Five Nations, to our interest : but as his intentions had taken air, he prudently changed his measures, and sent a party of three hundred men to the isthmus of Niagara, to surprise those of the Five Nations that might be hunting there. Among a few that were met with, some were killed, and others taken prisoners, and afterwards burnt at Montreal. Our Indians imitated the count's example, and burnt ten Dewagunga captives.

Colonel Fletcher and his assembly having come to an open rupture in the spring, he called another in June, of which James Graham was chosen speaker. The count Frontenac was then repairing the old fort at Cadaraqui ; and the intelligence of this, and the king's assignment of the quotas of the several colonies, for an united force* against the French, were the principal matters which the governour laid before the assembly. The list of the quota was this :

* As such an union appeared to be necessary so long ago, it is very surprising that no effectual scheme for that purpose has hitherto been carried into full execution. A plan was concerted, in the great congress consisting of commissioners from several colonies, met at Albany, in 1754 ; but what approbation it received at home, has not hitherto been made publick. The danger to Great Britain, apprehended from our united force, is founded in a total ignorance of the true state and character of the colonies. None of his majesty's subjects are more loyal, or more strongly attached to protestant principles ; and the remarkable attestation, in the elegant address of the lords of the 13th of November, 1755, in our favour, " That we are a great body of brave and faithful subjects," is as justly due to us, as it was nobly said by them.

Pennsylvania,	80l.	Rhode Island and Provi-	
Massachusetts' Bay,	350	dence Plantations,	48l.
Maryland,	160	Connecticut,	120
Virginia,	240	New-York,	200

As a number of forces were now arrived, the assembly were in hopes the province would be relieved from raising any more men for the defence of the frontiers ; and, to obtain this favour of the governour, ordered 1000l. to be levied, one half to be presented to him, and the rest he had leave to distribute among the English officers and soldiers. A bill for this purpose was drawn ; but though his excellency thanked them for their favourable intention, he thought it not for his honour to consent to it. After passing several laws, the session broke up in perfect harmony, the governour, in his great grace, recommending it to the house to appoint a committee to examine the publick accounts against the next session.

In September, Fletcher went up to Albany with very considerable presents to the Indians ; whom he blamed for suffering the French to rebuild the fort at Cadaraqui, or Frontenac, which commands the entrance from Canada into the great lake Ontario.

While these works were carrying on, the Dionondadies, who were then poorly supplied by the French, made overtures of a peace with the Five Nations, which the latter readily embraced, because it was owing to their fears of these Indians, who lived near the lake Missilimachinac, that they never dared to march with their whole strength against Canada. The French commandant was fully sensible of the importance of preventing this alliance. The civilities of the Dionondadies to the prisoners, by whom the treaty, to prevent a dis-

covery, was negociated, gave the officer the first suspicion of it. One of these wretches had the unhappiness to fall into the hands of the French, who put him to the most exquisite torments, that all future intercourse with the Dionondadies might be cut off. Dr. Colden, in just resentment for this inhuman barbarity, has published the whole process from La Potherie's history of North America, and it is this :

“ The prisoner being first made fast to a stake, so as to have room to move round it ; a Frenchman began the horrid tragedy, by broiling the flesh of the prisoner's legs, from his toes to his knees, with the red hot barrel of a gun. His example was followed by an Utawawa, who, being desirous to outdo the French in their refined cruelty, split a furrow from the prisoner's shoulder to his garter, and, filling it with gunpowder, set fire to it. This gave him exquisite pain, and raised excessive laughter in his tormentors. When they found his throat so much parched that he was no longer able to gratify their ears with his howling, they gave him water, to enable him to continue their pleasure longer. But at last his strength failing, an Utawawa fleaed off his scalp, and threw burning hot coals on his scull. Then they untied him, and bid him run for his life. He began to run, tumbling like a drunken man. They shut up the way to the east, and made him run westward, the country, as they think, of departed miserable souls. He had still force left to throw stones, till they put an end to his misery by knocking him on the head. After this every one cut a slice from his body, to conclude the tragedy with a feast.”

From the time colonel Fletcher received his instruction respecting the quotas of these colonies, for the defence of the frontiers, he repeatedly, but in vain, urged

their compliance with the king's direction : he then carried his complaints against them home to his majesty, but all his applications were defeated by the agents of those colonies, who resided in England. As soon, therefore, as he had laid this matter before the assembly, in autumn, 1695, the house appointed William Nicoll, to go home in the quality of an agent for this province, for which they allowed him 1000*l*. But his solicitations proved unsuccessful, and the instruction, relating to these quotas, which is still continued, remains unnoticed to this day. Fletcher maintained a good correspondence with the assembly, through the rest of his administration ; and nothing appears, upon their journals, worth the reader's attention.

The French never had a governour, in Canada, so vigilant and active as the count De Frontenac. He had no sooner repaired the old fort, called by his name, than he formed a design of invading the country of the Five Nations with a great army. For this purpose, in 1696, he convened, at Montreal, all the regulars, as well as militia, under his command ; the Owenagungas, Quatoghies of Loretto, Adirondacks, Sokakies, Nipiciriniens, the proselyted praying Indians of the Five Nations, and a few Utawawas. Instead of waggons and horses, which are useless in such a country, as he had to march through, the army was conveyed, through rivers and lakes, in light barks, which are portable, whenever the rapidity of the stream and the crossing an isthmus rendered it necessary. The count left la Chine, at the south end of the Island of Montreal, on the 7th of July. Two battalions of regulars, under the command of Le Chevalier de Callieres, headed by a number of Indians, led the van, with two small pieces of cannon, the mortars, grenadoes, and ammunition. After them fol-

lowed the provisions ; then the main body, with the count's household, a considerable number of volunteers, and the engineer ; and four battalions of the militia, commanded by monsieur De Ramezai, governour of Trois Rivières.

Two battalions of regulars and a few Indians, under the chevalier De Vaudrueil, brought up the rear. Before the army went a parcel of scouts, to descry the tracts and ambuscades of the enemy. After twelve days march, they arrived at Cadaraqui, about one hundred and eighty miles from Montreal, and then crossed the lake to Oswego. Fifty men marched on each side of the Onondaga river, which is narrow and rapid. When they entered the little lake,* the army divided into two parts, coasting along the edges, that the enemy might be uncertain as to the place of their landing, and where they did land, they erected a fort. The Onondagas had sent away their wives and children, and were determined to defend their castle, till they were informed by a deserter of the superiour strength of the French, and the nature of bombs, which were intended to be used against them, and then, after setting fire to their village, they retired into the woods. As soon as the count heard of this, he marched to their huts in order of battle ; being himself carried in an elbow chair, behind the artillery. With this mighty apparatus he entered it, and the destruction of a little Indian corn was the great acquisition. A brave sachem, then about a hundred years old, was

* The Onondaga lake, noted for a good salt pit at the southeast end ; which, as it may be very advantageous to the garrison at Oswego, it is hoped the government will never grant to any private company.

the only person, who tarried in the castle to salute the old general. The French Indians put him to torment, which he endured with astonishing presence of mind. To one who stabbed him with a knife, "you had better, says he, make me die by fire, that these French dogs may learn how to suffer like men : you Indians, their allies, you dogs of dogs, think of me when you are in the like condition."* This sachem was the only man, of all the Onondagas, that was killed ; and had not thirty-five Oneydoes, who waited to receive Vaudrueil at their castles, been afterwards basely carried into captivity, the count would have returned without the least mark of triumph. As soon as he began his retreat, the Onondagas followed, and annoyed his army by cutting off several battoes.

This expensive enterprise, and the continual incursions of the Five Nations, on the country near Montreal, again spread a famine through all Canada. The count, however, kept up his spirits to the last ; and sent out scalping parties, who infested Albany, as our Indians did Montreal, till the treaty of peace, signed at Ryswick, in 1697.

Richard, earl of Bellamont, was appointed to succeed colonel Fletcher, in the year 1695, but did not receive his commission till the 18th of June, 1697 ; and as he delayed his voyage till after the peace of Ryswick, which was signed the 10th of September following, he was blown off our coast to Barbadoes, and did not arrive here before the 2d of April, 1698.

* " Never, perhaps, says Charlevoix, was a man treated with more cruelty, nor did any ever bear it with superiour magnanimity and resolution."

During the late war, the seas were extremely infested with English pirates, some of whom sailed out of New-York ; and it was strongly suspected that they had received too much countenance here, even from the government, during Fletcher's administration. His lordship's promotion to the chief command of the Massachusetts' bay and New-Hampshire, as well as this province, was owing partly to his rank, but principally to the affair of the pirates ; and the multiplicity of business, to which the charge of three colonies would necessarily expose him, induced the earl to bring over with him John Nanfan, his kinsman, in the quality of our lieutenant governour.* When lord Bellamont was appointed to the government of these provinces, the king did him the honour to say, " that he thought him a man of resolution and integrity, and with these qualities more likely than any other he could think of, to put a stop to the growth of piracy."

Before the earl set out for America, he became acquainted with Robert Livingston, esq ; † who was then in England, soliciting his own affairs before the council and the treasury. The earl took occasion, in one of his

* His commission was dated the 1st of July, 1697.

† This gentleman was a son of Mr. John Livingston, one of the commissioners from Scotland to king Charles II. while he was an exile at Breda. He was a clergyman distinguished by his zeal and industry ; and, for his opposition to episcopacy, became so obnoxious, after the restoration, to the English court, that he left Scotland, and took the pastoral charge of an English presbyterian church in Rotterdam. His descendants are very numerous in this province, and the family in the first rank for their wealth, morals, and education. The original diary, in the hand writing of their common ancestor, is still among them, and contains a history of his life.

conferences with Mr. Livingston, to mention the scandal the province was under on account of the pirates. The latter, who confessed it was not without reason, brought the earl acquainted with one Kid, whom he recommended as a man of integrity and courage, that knew the pirates and their rendezvous, and would undertake to apprehend them, if the king would employ him in a good sailing frigate of thirty guns and one hundred and fifty men. The earl laid the proposal before the king, who consulted the admiralty upon that subject ; but this project dropped, through the uncertainty of the adventure, and the French war, which gave full employment to all the ships in the navy. Mr. Livingston then proposed a private adventure against the pirates, offering to be concerned with Kid, a fifth part in the ship and charges, and to be bound for Kid's faithful execution of the commission. The king then approved of the design, and reserved a tenth share, to show that he was concerned in the enterprise. Lord chancellor Somers, the duke of Shrewsbury, the earls of Romney and Oxford, sir Edmond Harrison and others, joined in the scheme, agreeing to the expense of 6000*l*. But the management of the whole affair was left to lord Bellamont, who gave orders to Kid to pursue his commission, which was in common form. Kid sailed from Plymouth for New-York, in April, 1696 ; and afterwards turned pirate, burnt his ship, and came to Boston, where the earl apprehended him. His lordship wrote to the secretary of state, desiring that Kid might be sent for. The Rochester man of war was dispatched upon this service ; but being driven back, a general suspicion prevailed in England, that all was collusion between the ministry and the adventurers, who, it was

thought, were unwilling Kid should be brought home, lest he might discover that the chancellor, the duke, and others, were confederates in the piracy. The matter even proceeded to such lengths, that a motion was made, in the house of commons, that all who were concerned in the adventure might be turned out of their employments ; but it was rejected by a great majority.

The tory party, who excited these clamours, though they lost their motion in the house, afterwards impeached several whig lords ; and, among other articles, charged them with being concerned in Kid's piracy. But these prosecutions served only to brighten the innocence of those against whom they were brought ; for the impeached lords were honourably acquitted by their peers.

Lord Bellamont's commission was published in council on the day of his arrival ; colonel Fletcher, who still remained governour under the proprietors of Pennsylvania, and lieutenant governour Nanfan, being present. The members of the council were,

Frederick Philipse,	William Nicoll,
Stephen Van Cortlandt,	Thomas Willet,
Nicholas Bayard,	William Pinhorne,
Gabriel Mienville,	John Lawrence.
William Smith,	

After the earl had dispatched captain John Schuyler, and Dellius, the Dutch minister of Albany, to Canada, with the account of the peace, and to solicit a mutual exchange of prisoners ; he laid before the council the letters from secretary Vernon and the East-India company, relating to the pirates ; informing that board, that he had an affidavit, that Fletcher had permitted them to land their spoils in this province, and that Mr.

Nicoll bargained for their protections, and received for his services 800 Spanish dollars. Nicoll confessed the receipt of the money for protections, but said it was in virtue of a late act of assembly, allowing privateers on their giving security ; but he denied the receipt of any money from known pirates. One Weaver was admitted, at this time, into the council chamber, and acted in the quality of king's council, and in answer to Mr. Nicoll, denied that there was any such act of assembly as he mentioned. After considering the whole matter, the council advised his excellency to send Fletcher home, but to try Nicoll here, because his estate would not bear the expense of a trial in England. Their advice was never carried into execution, which was probably owing to a want of evidence against the parties accused. It is, nevertheless, certain that the pirates were frequently in the sound, and supplied with provisions by the inhabitants of Long Island, who, for many years afterwards, were so infatuated with a notion that the pirates buried great quantites of money along the coast, that there is scarce a point of land, or an island, without the marks of their *auri sacra fames*. Some credulous people have ruined themselves by these researches, and propagated a thousand idle fables, current to this day, among our country farmers.

As Fletcher, through the whole of his administration, had been entirely influenced by the enemies of Leisler ; nothing could be more agreeable to the numerous adherents of that unhappy man, than the earl's disaffection to the late governour. It was for this reason they immediately devoted themselves to his lordship, as the head of their party.

The majority of the members of the council were Fletcher's friends, and there needed nothing more to render them obnoxious to his lordship. Leisler's advocates, at the same time, mortally hated them ; not only because they had imbrued their hands in the blood of the principal men of their party, but also because they had engrossed the sole confidence of the late governour, and brought down his resentment upon them. Hence, at the commencement of the earl's administration, the members of the council had every thing to fear ; while the party they had depressed, began once again to erect its head under the smiles of a governour, who was fond of their aid, as they were solicitous to conciliate his favour. Had the earl countenanced the enemies, as well as the friends of Leisler, which he might have done, his administration would, doubtless, have been easier to himself and advantageous to the province. But his inflexible aversion to Fletcher prevented his acting with that moderation, which was necessary to enable him to govern both parties. The fire of his temper appeared very early, on his suspending Mr. Nicoll from the board of council, and obliging him to enter into a recognizance in 2000*l.* to answer for his conduct relating to the protections. But his speech to the new assembly, convened on the 18th of May, gave the fullest evidence of his abhorrence of the late administration. Philip French was chosen speaker, and waited upon his excellency, with the house, when his lordship spoke to them in the following manner :

“ I cannot but observe to you what a legacy my predecessor has left me, and what difficulties to struggle with ; a divided people, an empty purse, a few miserable, naked, half starved soldiers, not half the number the

king allowed pay for : the fortifications, and even the governour's house very much out of repair, and, in a word, the whole government out of frame. It hath been represented to the government in England, that this province has been a noted receptacle of pirates, and the trade of it under no restriction, but the acts of trade violated by the neglect and connivance of those whose duty it was to have prevented it."

After this introduction, he puts them in mind that the revenue was near expiring. " It would be hard, says he, if I that come among you with an honest mind, and a resolution to be just to your interest, should meet with greater difficulties, in the discharge of his majesty's service, than those that have gone before me. I will take care there shall be no misapplication of the publick money. I will pocket none of it myself, nor shall there be any embezzlement by others ; but exact accounts shall be given you, when, and as often, as you shall require."

It was customary with Fletcher to be present in the field to influence elections ; and as the assembly consisted, at this time, of but nineteen members, they were too easily influenced to serve the private ends of a faction. For that reason his lordship was warm in a scheme of increasing their number, at present, to thirty, and so, in proportion, as the colony became more populous ; and hence we find the following clause in his speech : " You cannot but know what abuses have been formerly in elections of members to serve in the general assembly, which tends to the subversion of your liberties. I do, therefore, recommend the making of a law to provide against it."

The house, though unanimous in a hearty address of thanks to the governour for his speech, could scarce agree upon any thing else. It was not till the beginning of June before they had finished the controversies relating to the late turbulent elections ; and even then six members seceded from the house, which obliged his excellency to dissolve the assembly, on the 14th of June, 1698. About the same time the governour dismissed two of the council ; Pinhorne, for disrespectful words of the king, and Brook, the receiver general, who was also turned out of that office, as well as removed from his place on the bench.

In July the disputes with the French, concerning the exchanging of prisoners, obliged his excellency to go up to Albany. When the earl sent the account of the conclusion of the peace to the governour of Canada, all the French prisoners, in our custody, were restored, and as to those among the Indians, he promised to order them to be safely escorted to Montreal. His lordship then added, “ I doubt not, sir, that you, on your part, will also issue an order to relieve the subjects of the king, captivated during the war, whether Christians or Indians.”

The count, fearful of being drawn into an implicit acknowledgment, that the Five Nations were subject to the English crown, demanded the French prisoners, among the Indians, to be brought to Montreal ; threatening, at the same time, to continue the war against the confederates, if they did not comply with his request. After the earl's interview with them, he wrote a second letter * to the count, informing him that they had im-

* Charlevoix has published both these letters, at large, together with

portunately begged to continue under the protection of the English crown, professing an inviolable subjection and fidelity to his majesty ; and that the Five Nations were always considered as subjects, which, says his lordship, “ can be manifested to all the world by authentick and solid proofs.” His lordship added, that he would not suffer them to be insulted, and threatened to execute the laws of England upon the missionaries, if they continued any longer in the Five Cantons. A resolute spirit runs through the whole letter, which concludes in these words : “ if it is necessary, I will arm every man in the provinces, under my government, to oppose you ; and redress the injury that you may perpetrate against our Indians.” The count, in his answer, proposed to refer the dispute to the commissaries to be appointed according to the treaty of Ryswick ;* but the earl continued the claim, insisting that the French prisoners should be delivered up at Albany.

The French count dying while this matter was controverted, monsieur de Callieres, his successour, sent ambassadours, the next year, to Onondaga, there to regulate the exchange of prisoners, which was accomplished without the earl’s consent ; and thus the important point, in dispute, remained unsettled. The jesuit, Bruyas, who was upon this embassy, offered to live at On-

count Frontenac’s answer. I have had no opportunity of enquiring into the jesuit’s integrity, in these transcripts, being unable to find his lordship’s letters in the secretary’s office.

* The count misunderstood the treaty. No provision was made by it for commissaries to settle the limits between the English and French possessions, but only to examine and determine the controverted rights and pretensions to Hudson’s Bay.

ondaga ; but the Indians refused his belt, saying that Corlear, or the governour of New-York, had already offered them ministers for their instruction.

Great alterations were made in council, at his excellency's return from Albany. Bayard, Mienvielle, Willet, Townley, and Lawrence, were all suspended on the 28th of September ; and colonel Abraham de Peyster, Robert Livingston, and Samuel Staats, called to that board. The next day, Frederick Philipse resigned his seat, and Robert Walters was sworn in his stead.

The new assembly, of which James Graham was chosen speaker, met in the spring. His excellency spoke to them on the 21st of March, 1699.

As the late assembly was principally composed of Anti Leislerians, so this consisted, almost entirely, of the opposite party. The elections were attended with great outrage and tumult, and many applications made, relating to the returns ; but as Abraham Gouverneur, who had been secretary to Leisler, got returned for Orange county, and was very active in the house,* all the petitions were rejected without ceremony.

Among the principal acts, passed at this session, there was one for indemnifying those who were excepted out of the general pardon in 1691 ; another against pirates ; one for the settlement of Milborne's estate ; and another to raise fifteen hundred pounds, as a present to his lordship, and five hundred pounds for the lieutenant governour, his kinsman. Besides which, the revenue was continued for six years longer. A necessary law was also made for the regulation of elections, containing the substance of the English statutes of 8 Hen. VI. chap. VII. and the 7 and 8 Will. III.

* Mr. Gouverneur married Milborne's widow.

This assembly took, also, into consideration sundry extravagant grants of land, which colonel Fletcher had made to several of his favourites. Among these, two grants to Dellijs, the Dutch minister, and one to Nicholas Bayard, were the most considerable. Dellijs was one of the commissioners for Indian affairs, and had fraudulently obtained the Indian deeds, according to which the patents had been granted. One of the grants included all the lands within twelve miles on the east side of Hudson's river, and extended twenty miles in length, from the north bounds of Saraghtoga. The second patent, which was granted to him, in company with Pinhorne, Bancker, and others, contained all the lands within two miles on each side of the Mohawks river, and along its banks to the extent of fifty miles. Bayard's grant was also for lands in that country, and very extravagant. Lord Bellamont, who justly thought these great patents, with the trifling annual reservation of a few skins, would impede the settlement of the country, as well as alienate the affections of our Indian allies, wisely procured recommendatory instructions from the lords justices, for vacating those patents, which was now regularly accomplished by a law, and Dellijs thereby suspended from his ministerial function.

The earl having thus carried all his points at New-York, set out for Boston in June, where, after he had settled his salary, and apprehended the pirate Kid, he returned here again in the fall.

The revenue being settled for six years, his lordship had no occasion to meet the assembly till the summer of the year 1700, and then indeed little else was done than to pass a few laws. One for hanging every popish priest, that came voluntarily into the province, which

was occasioned by the great number of French jesuits, who were continually practising upon our Indians. By another, provision was made for erecting a fort in the country of the Onondagas ; but as this was repealed a few months after, the king's providing for that purpose, so the former continues, as it for ever ought, in full force, to this day.

The earl was a man of art and polite manners, and being a mortal enemy to the French, as well as a lover of liberty, he would doubtless have been of considerable service to the colony ; but he died here on the 5th of March, in 1701, when he was but just become acquainted with the colony.

The earl of Bellamont's death was the source of new troubles, for Nanfan, the lieutenant governour, being then absent in Barbadoes, high disputes arose among the counsellors, concerning the exercise of the powers of government. Abraham de Peyster, Samuel Staats, Robert Walters, and Thomas Weaver, who sided with the party that adhered to Leisler, insisted that the government was devolved upon the council, who had a right to act by a majority of voices ; but colonel Smith contended that all the powers of the late governour were devolved upon him, as president, he being the eldest member of that board. Colonel Schuyler and Robert Livingston, who did not arrive in town till the 21st of March, joined Mr. Smith, and refused to appear at the council board, till near the middle of April. The assembly, which was convened on the 2d of that month, were in equal perplexity, for they adjourned from day to day, waiting the issue of this rupture. Both parties continuing inflexible, those members, who opposed colonel Smith, sent down to the house a representation of

the controversy, assigning a number of reasons for the sitting of the assembly, which the house took into their consideration, and, on the 16th of April, resolved that the execution of the earl's commission and instructions, in the absence of the lieutenant governour, was the right of the council by majority of voices, and not of any single member of that board ; and this was afterwards the opinion of the lords of trade. The disputes, nevertheless, continuing in the council, strenuously supported by Mr. Livingston, the house, on the 19th of April, thought proper to adjourn themselves to the first Tuesday in June.

In this interval, on the 19th of May, John Nanfan, the lieutenant governour, arrived, and settled the controversy, by taking upon himself the supreme command.

Upon Mr. Nanfan's arrival, we had the agreeable news that the king had given two thousand pounds sterling, for the defence of Albany and Schenectady, as well as five hundred pounds more for erecting a fort in the country of the Onondagas. And not long after, an ordinance was issued, agreeable to the special direction of the lords of trade, for erecting a court of chancery, to sit the first Thursday in every month. By this ordinance the powers of the chancellor were vested in the governour and council, or any two of that board : commissions were also granted appointing masters, clerks, and a register : so that this court was completely organized on the 2d of September, 1701.

Atwood, who was then chief justice of the supreme court, was now sworn of the council. Abraham de Peyster and Robert Walters were his assistants on the bench ; and the former was also made deputy auditor general, under Mr. Blaithwait. Sampson Shelton

Broughton was the attorney general, and came into that office when Atwood took his seat on the bench, before the decease of lord Bellamont. Both these had their commissions from England. The lieutenant governor, and the major part of the board of council, together with the several officers above named, being strongly in the interest of the Leislerian party, it was not a little surprising that Mr. Nanfan dissolved the late assembly on the 1st of June last.

Great were the struggles at the ensuing elections, which, however, generally prevailed in favour of those, who joined Leisler at the revolution ; and hence, when the new assembly met, on the 19th of August, 1701, Abraham Gouverneur was elected for their speaker. Dutchess was thought heretofore incapable of bearing the charge of a representation ; but the people of that county, now animated by the heat of the times, sent Jacob Rutsen and Adrian Garretsen to represent them in assembly.

Mr. Nanfan, in his speech to the house, informs them of the memorable grant made to the crown, on the 19th of July, by the Five Nations, of a vast tract of land, to prevent the necessity of their submitting to the French in case of a war ; that his majesty had given out of his exchequer two thousand five hundred pounds sterling for forts, and eight hundred pounds to be laid out in presents to the Indians ; and that he had also settled a salary of three hundred pounds on a chief justice, and one hundred and fifty pounds on the attorney general, who were both now arrived here.

The fire of contention, which had lately appeared in the tumultuous elections, blazed out afresh in the house. Nicoll, the late counsellor, got himself elected for Suf-

folk, and was in hopes of being seated in the chair ; but Abraham Gouverneur was chosen speaker. Several members contended that he, being an alien, was unqualified for that station. To this it was answered, that he was in the province in the year 1683, at the time of passing an act to naturalize all the free inhabitants, professing the Christian religion ; and that, for this reason, the same objection against him had been overruled at the last assembly. In return for this attack, Gouverneur disputed Nicoll's right of sitting as a member of that house ; and succeeded in a resolve that he and Mr. Wessels, who had been returned for Albany, were both unqualified according to the late act, they being neither of them residents in the respective counties for which they were chosen. This occasioned an imprudent secession of seven members, who had joined the interest of Mr. Nicoll ; which gave their adversaries an opportunity to expel them, and introduce others in their stead.

Among the first opposers of captain Leisler, none was more considerable than Mr. Livingston. The measures of the convention at Albany were very much directed by his advice ; and he was peculiarly obnoxious to his adversaries, because he was a man of sense and resolution, two qualifications rarely to be found united in one person at that day. Mr. Livingston's intimacy with the late earl, had, till this time, been his defence against the rage of the party which he had formerly opposed : but as that lord was now dead, and Mr. Livingston's conduct in council, in favour of colonel Smith, had given fresh provocation to his enemies, they were fully bent upon his destruction. It was in execution of this scheme, that, as soon as the disputed elections were

over, the house proceeded to examine the state of the publick accounts, which they partly began at the late assembly.

The pretence was that he refused to account for the publick monies, he had formerly received out of the excise ; upon which a committee of both houses advised the passing a bill to confiscate his estate, unless he agreed to account by a certain day. But instead of this an act was afterwards passed to oblige him to account for a sum amounting to near eighteen thousand pounds. While this matter was transacting, a new complaint was forged, and he was summoned before another committee of both houses, relating to his procuring the Five Nations to signify their desire that he should be sent home to solicit their affairs. The criminality of this charge can be seen only through the partial optics with which his enemies then scanned his behaviour. Besides, there was no evidence to support it, and, therefore, the committee required him to purge himself by his own oath. Mr. Livingston, who was better acquainted with English law and liberty, than to countenance a practice so odious, rejected the insolent demand with disdain ; upon which the house, by advice of the committee, addressed the lieutenant governour, to pray his majesty to remove him from his office of secretary of Indian affairs, and that the governour, in the mean time, would suspend him from the exercise of his commission.*

It was at this favourable conjuncture that Jacob Leisler's petition to the king, and his majesty's letter to the

* Mr. Livingston's reason for not accounting was truly unanswerable ; his books and vouchers were taken into the hands of government, and detained from him.

late earl of Bellamont, were laid before the assembly. Leisler, displeased with the report of the lords of trade, that his father and his brother, Milborne, had suffered according to law, laid his case before the parliament, and obtained an act to reverse the attainder. After which, he applied to the king, complaining that his father had disbursed about four thousand pounds in purchasing arms, and forwarding the revolution ; in consequence of which he procured the following letter to lord Bellamont, dated at Whitehall, the 6th of February, $\frac{1699}{1700}$.

“ MY LORD,

“The king being moved upon the petition of Mr. Jacob Leisler, and having a gracious sense of his father’s services and sufferings, and the ill circumstances the petitioner is thereby reduced to, his majesty is pleased to direct that the same be transmitted to your lordship, and that you recommend his case to the general assembly of New-York, being the only place where he can be relieved, and the prayer of his petition complied with. I am,

“ My lord, your lordship’s

“ Most obedient humble servant,

“ JERSEY.”

As soon as this letter and the petition were brought into the house, a thousand pounds were ordered to be levied for the benefit of Mr. Leisler, as well as several sums for other persons, by a bill for paying the debts of the government ; which, nevertheless, did not pass into a law till the next sessions. Every thing that was done at this meeting of the assembly, which continued till the 18th of October, was under the influence of a party spirit ; and nothing can be a fuller evidence of it, than an incorrect, impertinent address to his majesty, which was

drawn up by the house, at the close of the session, and signed by fourteen of the members. It contains a tedious narrative of their proceedings, relating to the disputed elections, and concludes with a little incense, to regale some of the then principal agents in the publick affairs, in these words :

“This necessary account of ourselves and our unhappy divisions, which we hope the moderation of our lieutenant governour, the wisdom and prudence of William Atwood, esq. our chief justice, and Thomas Weaver, esq. your majesty’s collector and receiver general, might have healed, we lay before your majesty, with all humility, and deep sense of your majesty’s goodness to us, lately expressed in sending over so excellent a person to be our chief justice.”

The news of the king’s having appointed lord Cornbury to succeed the earl of Bellamont, so strongly animated the hopes of the Anti Leislerian party, that about the commencement of the year 1702, Nicholas Bayard promoted several addresses to the king, the parliament, and lord Cornbury, which were subscribed at a tavern kept by one Hutchins, an alderman of the city of New-York. In that to his majesty, they assure him, “that the late differences were not grounded on a regard to his interest, but the corrupt designs of those who laid hold on an opportunity to enrich themselves by the spoils of their neighbours.” The petition to the parliament says, that Leisler and his adherents gained the fort at the revolution without any opposition ; that he oppressed and imprisoned the people without cause, plundered them of their goods, and compelled them to flee their country, though they were well affected to the prince of Orange. That the earl of Bellamont appointed indigent sheriffs,

who returned such members to the assembly as were unduly elected, and in his lordship's esteem. That he suspended many from the board of council, who were faithful servants to the crown, introducing his own tools in their stead. Nay, they denied the authority of the late assembly, and added, that the house had bribed both the lieutenant governour and the chief justice ; the one to pass their bills, and the other to defend the legality of their proceedings. A third address was prepared, to be presented to lord Cornbury, to congratulate his arrival, as well to prepossess him in their favour, as to prejudice him against the opposite party.

Nothing could have a more natural tendency to excite the wrath of the lieutenant governour, and the revenge of the council and assembly, than the reflections contained in those several addresses. Nanfan had no sooner received intelligence of them, than he summoned Hutchins to deliver them up to him, and, upon his refusal, committed him to jail on the 19th of January. The next day Nicholas Bayard, Rip Van Dam, Philip French, and Thomas Wenham, hot with party zeal, sent an imprudent address to the lieutenant governour, boldly justifying the legality of the address, and demanding his discharge out of custody. I have before taken notice, that upon Slougher's arrival in 1691, an act was passed to recognize the right of king William and queen Mary to the sovereignty of this province. At the end of that law a clause was added in these words, " That whatsoever person or persons shall by any manner of ways, or upon any pretence whatsoever, endeavour, by force of arms, or otherwise, to disturb the peace, good, and quiet of their majesties' government, as it is now established, shall be deemed

and esteemed as rebels and traitors unto their majesties, and incur the pains, penalties, and forfeitures, as the laws of England have for such offences made and provided." Under the pretext of this law, which Bayard himself had been personally concerned in enacting, Mr. Nanfan issued a warrant for committing him to jail as a traitor, on the 21st of January ; and, lest the mob should interpose, a company of soldiers, for a week after, constantly guarded the prison.

Through the uncertainty of the time of lord Cornbury's arrival, Mr. Nanfan chose to bring the prisoner to his trial as soon as possible ; and for that purpose issued a commission of oyer and terminer, on the 12th of February, to William Atwood, the chief justice, and Abraham de Peyster and Robert Walters, who were the puisne judges of the supreme court ; and, not long after, Bayard was arraigned, indicted, tried and convicted of high treason. Several reasons were afterwards offered in arrest of judgment ; but as the prisoner was unfortunately in the hands of an enraged party, Atwood overruled what was offered, and condemned him to death on the 16th of March. As the process of his trial has been long since printed in the state trials at large, I leave the reader to his own remarks upon the conduct of the judges, who are generally accused of partiality.

Bayard applied to Mr. Nanfan for a reprieve, till his majesty's pleasure might be known ; and obtained it, not without great difficulty, nor till after a seeming confession of guilt was extorted. Hutchins, who was also convicted, was bailed upon the payment of forty pieces of eight to the sheriff : but Bayard, who refused to procure him the gift of a farm, of about fifteen hundred pounds value, was not released from his confine-

ment till after the arrival of lord Cornbury, who not only gave his consent to an act for reversing the late attainders, but procured the queen's confirmation of it, upon their giving security, according to the advice of sir Edward Northey, not to bring any suits against those who were concerned in their prosecution ; which the attorney general thought proper, as the act ordained all the proceedings to be obliterated.

After these trials, Nanfan erected a court of exchequer, and again convened the assembly, who thanked him for his late measures, and passed an act to outlaw Philip French and Thomas Wenham, who absconded upon Bayard's commitment ; another to augment the number of representatives, and several others, which were, all but one, afterwards repealed by queen Anne. During this session, lord Cornbury being daily expected, the lieutenant governour suspended Mr. Livingston from his seat in council, and thus continued to abet Leisler's party to the end of his administration.

Lord Cornbury's arrival quite opened a new scene. His father, the earl of Clarendon, adhered to the cause of the late abdicated king, and always refused the oaths both to king William and queen Anne. But the son recommended himself, at the revolution, by appearing very early for the prince of Orange, being one of the first officers that deserted king James' army. King William, in gratitude for his services, gave him a commission for this government, which, upon the death of the king, was renewed by queen Anne, who, at the same time, appointed him to the chief command of New-Jersey, the government of which the proprietors had lately surrendered into her hands. As lord Cornbury came to this province in very indigent circumstances, hunted out of England by a host of hungry credi-

tors, he was bent upon getting as much money as he could squeeze out of the purses of an impoverished people. His talents were, perhaps, not superior to the most inconsiderable of his predecessors ; but in his zeal for the church he was surpassed by none. With these bright qualifications he began his administration, on the 3d of May, 1702, assisted by a council consisting of the following members :

William Atwood,	Thomas Weaver,
William Smith,	Sampson Shelton Broughton,
Peter Schuyler,	Wolfgang William Romar,
Ab'm de Peyster,	William Lawrence,
Samuel Staats,	Gerardus Beekman,
Robert Walters,	Rip Van Dam.

His lordship, without the least disguise, espousing the Anti Leislerian faction, Atwood, the chief justice, and Weaver, who acted in quality of solicitor general, thought proper to retire from his frowns to Virginia, whence they sailed to England : the former concealing himself under the name of Jones, while the latter called himself Jackson. Colonel Heathcote and doctor Bridges succeeded in their places at the council board.

The following summer was remarkable for an uncommon mortality, which prevailed in the city of New-York, and makes a grand epoch among our inhabitants, distinguished by the “ time of the great sickness.”* On this occasion lord Cornbury had his residence and court at Jamaica, a pleasant village on Long Island, distant about twelve miles from the city.

* The fever killed almost every patient seized with it, and was brought here in a vessel from St. Thomas, in the West Indies, an island remarkable for contagious diseases.

The inhabitants of Jamaica consisted, at that time, partly of original Dutch planters, but mostly of New-England emigrants, encouraged to settle there, after the surrender, by the duke of York's conditions for plantations, one of which was in these words : "that every township should be obliged to pay their own ministers, according to such agreements as they should make with him ; the minister being elected by the major part of the householders and inhabitants of the town." These people had erected an edifice for the worship of God, and enjoyed a handsome donation of a parsonage house and glebe, for the use of their minister. After the ministry act was passed, by colonel Fletcher, in 1693, a few episcopalians crept into the town, and viewed the presbyterian church with a jealous eye. The town vote, in virtue of which the building had been erected, contained no clause to prevent its being hereafter engrossed by any other sect. The episcopal party, who knew this, formed a design of seizing the edifice for themselves, which they shortly after carried into execution, by entering the church between the morning and evening service, while the presbyterian minister and his congregation were in perfect security, unsuspecting of the zeal of their adversaries, and a fraudulent ejectment, on a day consecrated to sacred rest.

Great outrage ensued among the people, for the contention being *pro aris et focis*, was animating and important. The original proprietors of the house tore up their seats, and afterwards got the key and possession of the church, which were shortly after again taken from them by force and violence. In these controversies the governour abetted the episcopal zealots, and harassed the others by numberless prosecutions, heavy

finer, and long imprisonments ; through fear of which many, who had been active in the dispute, fled out of the province. Lord Cornbury's noble descent and education should have prevented him from taking part in so ignominious a quarrel ; but his lordship's sense of honour and justice was as weak and indelicate, as his bigotry was rampant and uncontrollable : and hence we find him guilty of an act complicated of a number of vices, which no man could have perpetrated without violence to the very slightest remains of generosity and justice. When his excellency retired to Jamaica, one Hubbard, the presbyterian minister, lived in the best house in the town. His lordship begged the loan of it for the use of his own family, and the clergyman put himself to no small inconvenience to favour the governor's request ; but in return for the generous benefaction, his lordship perfidiously delivered the parsonage house into the hands of the episcopal party, and encouraged one Cardwel, the sheriff, a mean fellow, who afterwards put an end to his own life, to seize upon the glebe, which he surveyed into lots, and farmed for the benefit of the episcopal church. These tyrannical measures justly inflamed the indignation of the injured sufferers, and that again the more embittered his lordship against them. They resented, and he prosecuted : nor did he confine his pious rage to the people of Jamaica. He detested all who were of the same denomination ; nay, averse to every sect except his own, he insisted that neither the ministers nor schoolmasters of the Dutch, the most numerous persuasion in the province, had a right to preach or instruct without his gubernatorial licence ; and some of them tamely submitted to his authoritative rule. A general account of his lord-

ship's singular zeal, is preserved under the title of the Watch Tower, in a number of papers published in the New-York Weekly Mercury, for the year 1755.

While his excellency was exerting his bigotry, during the summer season, at Jamaica ; the elections were carrying on, with great heat, for an assembly, which met him, at that village, in the fall. It consisted principally of the party which had been borne down by the earl of Bellamont and his kinsman ; and hence we find Philip French, who had lately been outlawed, was returned a representative for New-York, and William Nicoll elected into the speaker's chair. Several extracts from my lord's speech are proper to be laid before the reader, as a specimen of his temper and designs. " It was an extreme surprise to me (says his lordship) to find this province, at my landing at New-York, in such a convulsion as must have unavoidably occasioned its ruin, if it had been suffered to go on a little longer. The many complaints that were brought to me, against the persons I found here in power, sufficiently proved against them ; and the miserable accounts I had of the condition of our frontiers, made me think it convenient to delay my meeting you in general assembly, till I could inform myself, in some measure, of the condition of this province, that I might be able to offer to your consideration, some few of those things, which will be necessary to be done forthwith, for the defence of the country."

He then recommends their fortifying the port of New-York, and the frontiers: adding that he found the soldiers naked and unarmed : after which, he proposes a militia bill, the erection of publick schools, and an examination of the provincial debts and accounts ; and not only promises to make a faithful application of the monies to

be raised, but that he would render them an account. The whole speech is sweetened with this gracious conclusion : “ now, gentlemen, I have no more to trouble you with, but to assure you, in the name of the great queen of England, my mistress, that you may safely depend upon all the protection that good and faithful subjects can desire or expect, from a sovereign whose greatest delight is the welfare of her people, under whose auspicious reign we are sure to enjoy what no nation in the world dares claim but the subjects of England ; I mean, the free enjoyment of the best religion in the world, the full possession of all lawful liberty, and the undisturbed enjoyment of our freeholds and properties. These are some, of the many, benefits which I take the inhabitants of this province to be well entitled to by the laws of England ; and I am glad of this opportunity to assure you, that as long as I have the honour to serve the queen in the government of this province, those laws shall be put in execution, according to the intent with which they were made ; that is, for the preservation and protection of the people, and not for their oppression. I heartily rejoice to see that the free choice of the people has fallen upon gentlemen, whose constant fidelity to the crown, and unwearied application to the good of their country, is so universally known.”

The house echoed back an address of high compliment to his lordship, declaring, “ that being deeply sensible of the misery and calamity the country lay under at his arrival, they were not sufficiently able to express the satisfaction they had, both in their relief and their deliverer.”

Well pleased with a governour who headed their party, the assembly granted him all his request ; eighteen hundred pounds were raised for the support of one hundred and eighty men, to defend the frontiers, besides two thousand pounds more, as a present towards defraying the expenses of his voyage. The queen, by her letter of the 20th of April, in the next year, forbid any such donations for the future. It is observable, that though the county of Dutchess had no representatives at this assembly, yet such was then the known indigence of that now populous and flourishing county, that but eighteen pounds were apportioned for their quota of these levies.

Besides the acts above mentioned, the house brought up a militia bill, and continued the revenue to the 1st of May, 1709 ; and a law passed to establish a grammar shool, according to his lordship's recommendation. Besides the great harmony that subsisted between the governour and his assembly, there was nothing remarkable except two resolves against the court of chancery erected by Mr. Nanfan, occasioned by a petition of several disappointed suitors, who were displeased with a decree. The resolutions were in these words : " that the setting up a court of equity in this colony, without consent of general assembly, is an innovation without any former precedent, inconvenient and contrary to the English law." And again : " that the court of chancery, as lately erected, and managed here, was and is unwarrantable, a great oppression to the subject, of pernicious example and consequence ; that all proceedings, orders, and decrees in the same, are, and of right ought to be, declared null and void ; and that a bill be brought in, according to these two resolutions," which was done :

but though his lordship was by no means disinclined to fix contempt on Nanfan's administration, yet as this bill would diminish his own power, himself being the chancellor, the matter was never moved farther, than to the order for the engrossment of the bill upon the second reading.

Though a war was proclaimed by England, on the 4th of May, 1702, against France and Spain, yet as the Five Nations had entered into a treaty of neutrality with the French in Canada, this province, instead of being harassed on its borders by the enemy, carried on a trade very advantageous to all those who were concerned in it. The governour, however, continued his solicitations for money, with unremitted importunity, and by alarming the assembly, which met in April, 1703, with his expectation of an attack by sea, fifteen hundred pounds were raised, under pretence of erecting two batteries at the Narrows; which instead of being employed for that use, his lordship, notwithstanding the province had expended twenty two thousand pounds during the late peace, was pleased to appropriate to his private advantage. But let us do him the justice to confess, that while he was robbing the publick, he at the same time consented to several other laws for the emolument of the clergy.

Whether it was owing to the extraordinary sagacity of the house, or their presumption that his lordship was as little to be trusted as any of his predecessors, that, after voting the above sum for the batteries, they added, that it should be "for no other use whatsoever," I leave the reader to determine. It is certain they now began to see the danger of throwing the publick money into the hands of a receiver general appointed by the

crown, from whence the governour, by his warrants, might draw it at his pleasure. To this cause we must assign it, that in an address to his lordship, on the 19th of June, 1703, they “ desire and insist, that some proper and sufficient person might be commissioned treasurer, for the receiving and paying such monies now intended to be raised for the publick use, as a means to obstruct misapplications for the future.” Another address was sent home to the queen, complaining of the ill state of the revenue, through the frauds which had formerly been committed, the better to facilitate the important design of having a treasurer dependent on the assembly. The success of these measures will appear in the sequel.

Though our frontiers enjoyed the profoundest tranquillity all the next winter, and we had expended thirteen hundred pounds in supporting one hundred fuzileers about Albany, besides the four independent companies in the pay of the crown, yet his excellency demanded provisions for one hundred and fifty men, at the next meeting of the assembly, in April, 1704. The house having reason to suspect that the several sums of eighteen and thirteen hundred pounds, lately raised for the publick service, had been prodigally expended or embezzled, prudently declined any farther aids, till they were satisfied that no misapplication had been made. For this purpose they appointed a committee, who reported that there was a balance of near a thousand pounds due to the colony. His lordship, who had hitherto been treated with great complaisance, took offence at this parsimonious scrutiny, and ordered the assembly to attend him; when, after the example of Fletcher, whom, abating that man’s superior activity, his lordship mostly resembled, he made an angry speech,

in which he charges them with innovations never attempted by their predecessors, and hopes they would not force him to exert "certain powers" vested in him by the queen. But what he more particularly took notice of, was their insisting in several late bills, upon the title of "general assembly," and a saving of the "rights of the house," in a resolve agreeing to an amendment for preventing delay ; with respect to which his lordship has these words : " I know of no right that you have as an assembly, ~~but~~ such as the queen is pleased to allow you." As to the vote, by which they found a balance due to the colony, of nine hundred and thirteen pounds, fifteen shillings, " it is true (says his lordship) the queen is pleased to command me, in her instructions, to permit the assembly, from time to time, to view and examine the accounts of money, or value of money, disposed by virtue of the laws made by them ; but you can in no wise meddle with that money ; but if you find any misapplication of any of that money, you ought to acquaint me with it, that I may take care to see those mistakes rectified, which I shall certainly do."

The house bore these rebukes with the utmost passiveness, contenting themselves with little else than a general complaint of the deficiency of the revenue, which became the subject of their particular consideration in the fall. The governour, on the one hand, then proposed an additional duty of ten per cent. on certain goods, not immediately imported from Europe, to which the assembly, on the other, were utterly averse, and as soon as they resolved against it, the very printer, clerk, and doorkeeper, were denied the payment of their salaries. Several other demands being made for the publick

debts, the house resolved to address his lordship for an exact account of the revenue, which, together with their refusal to admit the council's amendment to a money bill, gave him such high provocation, that he was induced to dissolve an assembly, whose prodigal liberality had justly exposed them to the resentment of the people. The new assembly, which met on the 14th of June, 1705, neglected the affair of the revenue and the additional duty, though his lordship strongly recommended them both. Among the principal acts passed at this meeting, is that for the benefit of the clergy, who were entitled to the salaries formerly established by colonel Fletcher ; which, though less than his lordship recommended, was doubtless a grateful offering to his unceasing zeal for the church, manifested in a part of his speech at the opening of the session, in these words : “ The difficulties which some very worthy ministers of the church of England have met with, in getting the maintenance settled upon them, by an act of the general assembly of this province, passed in the year 1693, moves me to propose to you the passing an act explanatory of the forementioned act, that those worthy good men, who have ventured to come so far for the service of God in his church, and the good and edification of the people, to the salvation of their souls, may not, for the future, be vexed, as some of them have been ; but may enjoy, in quiet, that maintenance, which was by law provided for them.* I farther recommend to you the passing an act to provide for the maintenance of some

* The majority of our people are of a contrary opinion, if my lord thought the establishment was designed only for the episcopal clergy.

ministers in some of the towns at the east end of Long Island, where I don't find any provision has been yet made for propagating religion."

Our harbour being wholly unfortified, a French privateer actually entered it in 1705, and put the inhabitants in great consternation. The assembly, at their session in June, the next year, were not disinclined, through the importunity of the people, to put the city in a better posture of defence for the future ; but being fully convinced, by his lordship's embezzlement of 1,500*l.* formerly raised for two batteries at the Narrows, and near 1000*l.* levied for the protection of the frontiers, that he was no more to be trusted with public monies, offered a bill for raising 3000*l.* for fortifications, appointing that sum to be deposited in the hands of a private person of their own nomination ; but his excellency did not pass it till their next meeting in the fall, when he informed them that he had received the queen's commands, "to permit the general assembly to name their own treasurer, when they raised extraordinary supplies for particular uses, and which are no part of the standing and constant revenue ; the treasurer being accountable to the three branches of the legislature, and the governour always acquainted with the occasion of issuing such warrants."

His lordship's renewing the proposal of raising fortifications at the Narrows, which he had himself hitherto scandalously prevented, is a proof of his excessive effrontery and contempt of the people ; and the neglect of the house, to take the least notice, either of that matter, or the revenue, occasioned another dissolution.

Before I proceed to the transactions of the new assembly, which did not meet till the year 1708, it will

not be improper to lay before the reader the account of a memorable proof of that persecuting spirit which influenced lord Cornbury's whole administration.

The inhabitants of the city of New-York consisted, at this time, of Dutch Calvinists, upon the plan of the church of Holland ; French refugees, on the Geneva model ; a few English episcopalians ; and a still smaller number of English and Irish presbyterians ; who, having neither a minister nor a church, used to assemble themselves, every Sunday, at a private house, for the worship of God. Such were their circumstances, when Francis M'Kemie and John Hampton, two presbyterian ministers, arrived here in January, 1707. As soon as lord Cornbury, who hated the whole persuasion, heard that the Dutch had consented to M'Kemie's preaching in their church, he arbitrarily forbid it ; so that the publick worship, on the next sabbath, was performed, with open doors, at a private house. Mr. Hampton preached, the same day, at the presbyterian church, in Newtown, distant a few miles from the city. At that village both these ministers were, two or three days after, apprehended, by Cardwel, the sheriff, pursuant to his lordship's warrant, for preaching without his license. From hence they were led in triumph a circuit of several miles through Jamaica to New-York. They appeared before his lordship with an undaunted courage, and had a conference with him, in which it is difficult to determine, whether my lord excelled in the character of a savage bigot, or an ill mannerly tyrant. The ministers were no lawyers, or they would not have founded their justification on the supposed extent of the English act of toleration. They knew not that the ecclesiastical statutes had no relation to this colony ;

and that its religious state consisted in a perfect parity between protestants of all denominations. They erroneously supposed that all the penal laws extended to this province, and relied, for their defence, on the toleration, offering testimonials of their having complied with the act of parliament in Virginia and Maryland, and promised to certify the house, in which M'Kemie had preached, the next sessions. His lordship's discourse with them was the more ridiculous, because he had Bickley, the attorney general, to assist him. Against the extension of the statute they insisted that the penal laws were limited to England, and so also the toleration act, because the sole intent of it was to take away the penalties formerly established. But grant the position, and one consequence they drew from it argues that my lord and Mr. attorney were either very weak, or influenced by evil designs. If the penal laws did not extend to the plantations, then the prisoners were innocent ; for where there is no law, there can be no transgression ; but according to these incomparable sages, if the penal laws and the toleration were restricted to the realm of England, as they contended, then the poor clergymen, for preaching without his license, were guilty of a heinous crime, against his private, unpublished instructions ; and for this cause he issued an informal precept, to the sheriff of New-York, for their commitment to jail, till further orders. They continued in confinement, through the absence of Mompesson, the chief justice, who was in New-Jersey six weeks and four days ; but were then brought before him by writ of habeas corpus. Mompesson being a man of learning in his profession, and his lordship now apprised of the illegality of his first warrant, issued another, on the

very day of the test of the writ, in which he virtually contradicts what he had before insisted on, at his conference with the prisoners. For, according to this, they were imprisoned for preaching without being qualified as the toleration act required, though they had offered themselves to the sessions during their imprisonment. They were then bailed to the next supreme court, which began a few days after. Great pains were taken to secure a grand jury for the purpose, and among those who had found the indictment, to their shame be it remembered, were several Dutch and French protestants.

Mr. M'Kemie returned to New-York, from Virginia, in June ; and was now come to his trial on the indictment found at the last court. As to Mr. Hampton, he was discharged, no evidence being offered to the grand jury against him.

Bickley, the attorney general, managed the prosecution in the name of the queen ; Reignere, Nicoll and Jamison, appeared for the defendant. The trial was held on the 6th of June, and being a cause of great expectation, a numerous audience attended. Roger Mompesson sat on the bench as chief justice, with Robert Milward and Thomas Wenham for his assistants. The indictment was, in substance, that Francis M'Kemie, pretending himself to be a protestant dissenting minister, contemning and endeavouring to subvert the queen's ecclesiastical supremacy, unlawfully preached without the governour's license first obtained, in derogation of the royal authority and prerogative : that he used other rites and ceremonies, than those contained in the common prayer book. And, lastly, that being unqualified by law to preach, he nevertheless did preach at an illegal conventicle : and both these last charges were

laid to be contrary to the form of the English statutes. For it seems that Mr. attorney was now of opinion that the penal laws did extend to the American plantations, though his sentiments were the very reverse at the first debate before his excellency : but Bickley was rather remarkable for a voluble tongue, than a penetrating head or much learning. To support this prosecution, he endeavoured to prove the queen's ecclesiastical supremacy in the colonies, and that it was delegated to her noble cousin, the governour ; and hence, he was of opinion, that his lordship's instructions, relating to church matters, had the force of a law. He, in the next place, contended for the extension of the statutes of uniformity, and, upon the whole, was pleased to say, that he did not doubt the jury would find a verdict for the queen. Reignere, for the defendant, insisted, that preaching was no crime by the common law, that the statutes of uniformity, and the act of toleration, did not extend here, and that the governour's instructions were not laws. Nicoll spoke to the same purpose, and so did David Jamison ; but M'Kemie concluded the whole defence in a speech, which sets his capacity in a very advantageous light. The reader may see it in the narrative of this trial, which was first published at the time, and since reprinted, at New-York, in the year 1755. The chief justice, in his charge, advised a special verdict, but the jury found no difficulty to acquit the defendant, who, through the shameful partiality of the court, was not discharged from his recognizance, till they had illegally extorted all the fees of his prosecution, which, together with his expenses, amounted to eighty-three pounds seven shillings and six pence.

Lord Cornbury was now daily losing the favour of the people. The friends of Leisler had him in the utmost abhorrence from the beginning ; and being all spies upon his conduct, it was impossible for his lordship to commit the smallest crime unnoticed. His persecution of the presbyterians very early increased the number of his enemies. The Dutch too were fearful of his religious rage against them, as he disputed their right to call and settle ministers, or even schoolmasters, without his special license. His excessive avarice, his embezzlement of the publick money, and his sordid refusal to pay his private debts, bore so heavily upon his reputation, that it was impossible for his adherents, either to support him, or themselves, against the general opposition. Such being the temper of the people, his lordship did not succeed, according to his wishes, in the new assembly, which met on the 19th of August, 1708. The members were all against him, and William Nicoll was again chosen speaker.

Among the several things recommended to their consideration, the affair of the revenue, which was to expire in May following, and the propriety of making presents to the Indians, were the chief. The house were not insensible of the importance of the Indian interest, and of the infinite arts of the French to seduce them from our alliance : but suspicious that his lordship, who heretofore had given himself little concern about that matter, was seeking a fresh opportunity to defraud the publick, they desired him to give them a list of the articles of which the presents were to consist, together with an estimate of the charge, before they would provide for that donation.

With respect to the revenue, his lordship was not so

successful, for the assembly resolutely refused to continue it ; though they consented to an act to discharge him from a contract of 250*l.* and upwards, which he had made with one Hanson, for the publick service. Thomas Byerly was, at that time, collector and receiver general ; and by pretending that the treasury was exhausted, the debts of the government were unpaid. This gave rise to many petitions to the assembly to make provision for their discharge. Colonel Schuyler, who had expended large sums on the publick credit, was among the principal sufferers, and joined with several others in an application to the house, that Byerly might be compelled to account. The disputes, relating to this matter, took up a considerable part of the session, and were litigated with great heat. Upon the whole, an act was passed to refund 700*l.* which had been misapplied.

The resolutions of the committee of grievances, approved by the house, show the general objections of the people to his lordship's administration. These were made at the beginning of the session ; and yet we find this haughty lord subdued by the opposition against him, and so dispirited through indigence, and the incessant solicitations of his creditors, that he not only omitted to justify himself, but to show even an impotent resentment. For after all the censures of the house, he tamely thanked them for passing the bill to discharge him from a small debt, which they could not, in justice, have refused. The resolutions were in these words :

“ Resolved, That it is the opinion of this committee, that the appointing coroners in this colony, without their being chosen by the people, is a grievance, and contrary to law.*

* See lord Bacon's works. fol. edit. 2 vol. 152, and yet the coroners in every county are still appointed by the governour.

“ Resolved, That it is, and always has been, the unquestionable right of every freeman in this colony, that he hath a perfect and entire property in his goods and estate.

“ Resolved, That the imposing and levying of any monies upon her majesty’s subjects of this colony, under any pretence or colour whatsoever, without consent in general assembly, is a grievance, and a violation of the people’s property.

“ Resolved, That for any officer whatsoever, to extort from the people extravagant and unlimited fees, or any money whatsoever, not positively established and regulated by consent in general assembly, is unreasonable and unlawful, a great grievance, and tending to the utter destruction of all property in this plantation.

“ Resolved, That the erecting a court of equity, without consent in general assembly, is contrary to law, without precedent, and of dangerous consequence to the liberty and property of the subjects.

“ Resolved, That the raising of money for the government, or other necessary charge, by any tax, impost, or burden on goods imported, or exported, or any clog or hindrance, on traffic or commerce—is found by experience to be the expulsion of many, and the impoverishing of the rest of the planters, freeholders, and inhabitants of this colony ; of most pernicious consequence, which, if continued, will unavoidably prove the ruin of the colony.

“ Resolved, That the excessive sums of money screwed from the masters of vessels trading here under the notion of port charges, visiting the said vessels by supernumerary officers, and taking extraordinary fees, is

the great discouragement of trade and strangers coming among us, beyond the precedent of any other port, and without colour of law.

“Resolved, That the compelling any man upon trial by jury, or otherwise, to pay any fees for his prosecution, or any thing whatsoever, unless the fees of the officers whom he employs for his necessary defence, is a great grievance, and contrary to justice.”*

Lord Cornbury was no less obnoxious to the people of New-Jersey, than to those of New-York. The assembly of that province, impatient of his tyranny, drew up a complaint against him, which they sent home to the queen.

Her majesty graciously listened to the cries of her injured subjects, divested him of his power, and appointed lord Lovelace in his stead ; declaring that she would not countenance her nearest relations in oppressing her people.

As soon as my lord was superseded his creditors threw him into the custody of the sheriff of New-York ; and he remained here till the death of his father, when, succeeding to the earldom of Clarendon, he returned to England.

We never had a governour so universally detested, nor any who so richly deserved the publick abhorrence. In spite of his noble descent, his behaviour was trifling, mean and extravagant.

It was not uncommon for him to dress himself in a woman's habit, and then to patrol the fort in which he resided. Such freaks of low humour exposed him to the universal contempt of the people ; but their indigna-

* This had a special relation to the late prosecution of Mr. M'Kemie.

tion was kindled by his despotick rule, savage bigotry, insatiable avarice, and injustice, not only to the publick, but even his private creditors ; for he left some of the lowest tradesmen in his employment unsatisfied in their just demands.

John lord Lovelace, baron of Hurley, was appointed to this government, in the spring, 1708, but did not arrive here till the 18th of December following. Lord Cornbury's oppressive, mean administration had long made the people very desirous of a change ; and therefore his successor was received with universal joy. Having dissolved the general assembly, soon after his accession to the government, he convened a new one on the 5th of April, 1709, which, consisting of members of the same interest with the last, re-elected William Nicoll, the former speaker, into the chair. His lordship told them, at the beginning of the session, " that he had brought with him large supplies of soldiers and stores of war, as well as presents for the Indians," than which nothing could be more agreeable to the people. He lamented the greatness of the provincial debts, and the decay of publick credit ; but still recommended their raising a revenue, for the same term with that established by the act in the 11th year of the last reign. He also pressed the discharge of the debts of the government, and their examination of the publick accounts, " that it may be known (says he) what this debt is, and that it may appear hereafter, to all the world, that it was not contracted in my time." This oblique reflection upon his predecessor, who was now ignominiously imprisoned by his creditors, was displeasing to no body.

Though the assembly, in their answer, heartily congratulated his lordship's arrival, and thanked the queen

for her care of the province, yet they sufficiently intimated their disinclination to raise the revenue which the governour had requested. "Our earnest wishes, (to use the words of the address) are that suitable measures may be taken to encourage the few inhabitants left to stay in it, and others to come. The just freedom enjoyed by our neighbours, by the tender indulgence of the government, has extremely drained and exhausted us both of people and stock ; whilst a different treatment, the wrong methods too long taken, and severities practised here, have averted and deterred the usual part of mankind from settling and coming hitherto." Towards the close, they assure him, "that as the beginning of his government gave them a delightful prospect of tranquility, so they were come with minds prepared to consult the good of the country and his satisfaction."

The principal matter which engaged the attention of the assembly, was the affair of the revenue. Lord Cornbury's conduct had rendered them utterly averse to a permanent support for the future, and yet they were unwilling to quarrel with the new governour. They, however, at last agreed, on the 5th of May, to raise 2,500*l.* to defray the charges of the government to the 1st of May ensuing, 1,600*l.* of which was voted to his excellency, and the remaining sums towards a supply of firewood and candles to the several forts in New-York, Albany, and Schenectady ; and for payment of small salaries to the printer, clerk of the council, and Indian interpreter.

This new project of providing, annually, for the support of government, was contrived to prevent the mischiefs to which the long revenues had formerly exposed

us. But as it rendered the governour, and all the other servants of the crown dependent upon the assembly, a rupture, between the several branches of the legislature, would doubtless have ensued ; but the very day, in which the vote passed the house, his lordship died of a disorder contracted in crossing the ferry at his first arrival in the city of New-York. His lady continued here, long after his death, soliciting for the sum voted to her husband ; but though the queen interposed, by a letter, in her behalf, nothing was allowed till several years afterwards.

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CHAPTER I

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HISTORY OF NEW-YORK.

PART IV.

From the Canada Expedition, in 1709, to the arrival of Governour Burnet.

LORD Lovelace being dead, the chief command devolved upon Richard Ingolsby, the lieutenant governour, the same who had exercised the government, several years before, upon the decease of colonel Slough-ter. His short administration is remarkable, not for his extraordinary talents, for he was a heavy man, but for a second fruitless attempt against Canada. Colonel Vetch, who had been, several years before, at Quebec, and sounded the river of St. Lawrence, was the first projector of this enterprise. The ministry approved of it, and Vetch arrived in Boston, and prevailed upon the New-England colonies to join in the scheme. After that, he came to New-York and concerted the plan of operations with Francis Nicholson, formerly our lieutenant governour, who, at the request of Ingolsby, the council, the assembly, Gurdon Saltonstall, the governour of Connecticut, and Charles Gookin, lieut. governour of Pennsylvania, accepted the chief command of the provincial forces, intended to penetrate into Canada, by the way of lake Champlain. Impoverished as we were, the assembly joined heartily in the enterprise. It was at this juncture our first act, for issuing bills of credit, was

passed ; an expedient without which we could not have contributed to the expedition, the treasury being then totally exhausted. Universal joy now brightened every man's countenance, because all expected the complete reduction of Canada before the ensuing fall. Big with the pleasing prospect of an event which would put a period to all the ravages of an encroaching, merciless enemy, extend the British empire, and augment our trade, we exerted ourselves to the utmost, for the success of the expedition. As soon as the design was made known to the house, twenty ship and house carpenters were impressed into the service for building battoes. Commissioners also were appointed to purchase provisions and other necessaries, and empowered to break open houses for that purpose ; and to impress men, vessels, horses, and waggons, for transporting the stores. Four hundred and eighty-seven men, besides the independent companies, were raised and despatched to Albany, by the 27th of June : from whence they advanced, with the main body, to the Wood Creek. Three forts were built there, besides many block houses and stores for the provisions, which were transported with great despatch. The province of New-York (all things considered) has the merit of having contributed more than any of her neighbours towards this expedition. Pennsylvania gave no kind of aid, and New-Jersey was only at the expense of 3000*l*. One hundred battoes, as many birch canoes, and two of the forts, were built entirely, and the other fort, for the most part, at the charge of this government. All the provisions and stores for the army were transported at our expense ; and besides our quota of volunteers and the independent companies, we procured and maintained six hundred Indians, and

victualled a thousand of their wives and children at Albany, during the campaign.

Having thus put ourselves to the expense of above twenty thousand pounds towards this enterprise, the delay of the arrival of the fleet spread a general discontent through the country : and early in the fall, the assembly addressed the lieutenant governour to recall our forces from the camp. Vetch and Nicholson soon after broke up the campaign, and retired to New-Port, in Rhode-Island, where there was a congress of governours. Ingolsby, who was invited to it, did not appear, in compliance with the inclination of the assembly, who incensed at the publick disappointment, harboured great jealousies of all the first promoters of the design. As soon, therefore, as lord Sunderland's letters, which arrived here on the 21st of October, were laid before the house, they resolved to send an address to the queen, to lay before her a true account of the manner in which this province exerted itself in the late undertaking.

Had this expedition been vigorously carried on, doubtless it would have succeeded. The publick affairs at home were conducted by a wise ministry. The allied army triumphed in repeated successes in Flanders ; and the court of France was in no condition to give assistance to so distant a colony as Canada. The Indians of the Five Nations were engaged, through the indefatigable solicitations of colonel Schuyler, to join heartily in the attempt : and the eastern colonies had nothing to fear from the Ouwenagungas ; because those Indians had, a little before, concluded a peace with the confederates. In America, every thing was ripe for the attack. At home, lord Sunderland, the secretary of state, had proceeded so far as to despatch orders to

the queen's ships, at Boston, to hold themselves in readiness, and the British troops were upon the point of their embarkation. At this juncture the news arrived of the defeat of the Portuguese, which reducing our allies to great streights, the forces intended for the American adventure were then ordered to their assistance, and the thoughts of the ministry entirely diverted from the Canada expedition.

As we had not a man in this province who had more extended views of the importance of driving the French out of Canada, than colonel Schuyler, so neither did any person more heartily engage in the late expedition. To preserve the friendship of the Five Nations, without which it would be impossible to prevent our frontiers from becoming a field of blood, he studied all the arts of insinuating himself into their favour. He gave them all possible encouragement and assistance, and very much impaired his own fortune by his liberality to their chiefs. They never came to Albany, but they resorted to his house, and even dined at his table ; and by this means he obtained an ascendancy over them, which was attended with very good consequences to the province ; for he could always, in a great degree, obviate or eradicate the prejudices and jealousies, by which the French jesuits were incessantly labouring to debauch their fidelity.

Impressed with a strong sense of the necessity of some vigorous measures against the French, colonel Schuyler was extremely discontented at the late disappointment ; and resolved to make a voyage to England at his private expense, the better to inculcate on the ministry the absolute necessity of reducing Canada to the crown of Great Britain. For that purpose he pro-

posed to carry home with him five Indian chiefs. The house no sooner heard of his design, than they came to a resolution, which, in justice to his distinguished merit, I ought not to suppress. It was this :

“ Resolved, *nemine contradicente*, That the humble address of the lieutenant governour, council, and general assembly of this colony, to the queen, representing the present state of this plantation, be committed to his charge and care, to be presented by himself to her sacred majesty ; he being a person, who, not only in the last war, when he commanded the forces of this colony in chief at Canada, but also in the present, has performed faithful services to this and the neighbouring colonies ; and behaved himself in the offices, with which he has been entrusted, with good reputation, and the general satisfaction of the people in these parts.”

The arrival of the five sachems in England made a great bruit through the whole kingdom. The mob followed wherever they went, and small cuts of them were sold among the people. The court was at that time in mourning for the death of the prince of Denmark : these American kings* were therefore dressed in black underclothes, after the English manner ; but instead of a blanket, they had each a scarlet-in-grain cloth mantle, edged with gold, thrown over all their other garments. This dress was directed by the dressers of the playhouse, and given by the queen, who was advised to make a show of them. A more than ordinary solemnity attended the audience they had of her majesty. Sir Charles Cotterel conducted them, in two coaches, to St. James's ; and the lord chamberlain in-

* This title is commonly bestowed on the sachems, though the Indians have no such dignity or office among them.

roduced them into the royal presence. Their speech, on the 19th of April, 1710, is preserved by Oldmixon, and was in these words :

“ GREAT QUEEN,

“ We have undertaken a long voyage, which none of our predecessors could be prevailed upon to undertake, to see our great queen, and relate to her those things which we thought absolutely necessary for the good of her, and us, her allies, on the other side the water.

“ We doubt not but our great queen has been acquainted with our long and tedious war, in conjunction with her children, against her enemies, the French ; and that we have been as a strong wall for their security, even to the loss of our best men. We were mightily rejoiced when we heard our great queen had resolved to send an army to reduce Canada ; and immediately, in token of friendship, we hung up the kettle, and took up the hatchet, and, with one consent, assisted colonel Nicholson in making preparations on this side the lake ; but, at length, we were told our great queen, by some important affairs, was prevented in her design at present, which made us sorrowful, lest the French, who had hitherto dreaded us, should now think us unable to make war against them. The reduction of Canada is of great weight to our free hunting ; so that if our great queen should not be mindful of us, we must, with our families, forsake our country, and seek other habitations, or stand neuter, either of which will be much against our inclinations.

“ In token of the sincerity of these nations, we do, in their names, present our great queen with these belts of wampum, and in hopes of our great queen’s favour, leave it to her most gracious consideration.”

While colonel Schuyler was at the British court, captain Ingolsby was displaced, and Gerardus Beekman exercised the powers of government, from the 10th of April, 1710, till the arrival of brigadier Hunter, on the 14th of June following. The council then present were,

Mr. Beekman, Mr. Mompesson,

Mr. Van Dam, Mr. Barbarie,

Colonel Renslaer, Mr. Philipse.

Hunter was a native of Scotland, and, when a boy, put apprentice to an apothecary. He left his master, and went into the army ; and being a man of wit and personal beauty, recommended himself to lady Hay, whom he afterwards married. In the year 1707, he was appointed lieutenant governour of Virginia, but being taken by the French, in his voyage to that colony, he was carried into France, and upon his return to England, appointed to succeed lord Lovelace in the government of this and the province of New-Jersey. Dean Swift's letter to him, during his captivity, shows that he had the honour of an intimacy with Mr. Addison and others, who were distinguished for their good sense and learning ; and perhaps it was by their interest he was advanced to this profitable place.

Governour Hunter brought over with him near three thousand Palatines, who, the year before, fled to England from the rage of persecution in Germany. Many of these people seated themselves in the city of New-York, where they built a Lutheran church, which is now in a declining condition. Others settled on a tract of several thousand acres, in the manor of Livingston. Their village there, called the Camp, is one of the pleasantest situations on Hudson's river : right opposite, on the west bank, are many other families of them. Some

went into Pennsylvania, and by the favourable accounts of the country, which they transmitted to Germany, were instrumental to the transmigration of many thousands of their countrymen into that province. Queen Anne's liberality to these people, was not more beneficial to them, than serviceable to this colony. They have behaved themselves peaceably, and lived with great industry. Many are rich, all are protestants, and well affected to the government. The same must be said of those who have lately settled amongst us, and planted the lands westward of Albany. We have not the least ground for jealousy with respect to them. Amongst us they are few in number, compared to those in Pennsylvania. There they are too numerous to be soon assimilated to a new constitution. They retain all the manners and principles which prevail in their native country, and as many of them are papists, some are not without their fears, that sooner or later, they will become dangerous to our colonies.*

The late attempt to attack Canada proving abortive, exposed us to consequences equally calamitous, dreaded and foreseen. While the preparations were making to invade it, the French exerted themselves in cajoling their Indian allies to assist in the repulse; and as

* The surprising importation of Germans into that colony, gave rise to the scheme of dispersing English clergymen and schoolmasters among them. The project is founded on principles of sound policy. If a political mission among the Indians had been seasonably encouraged, the province of Pennsylvania might have escaped all that shocking devastation, which ensued the fatal defeat of general Braddock's army, on the 9th of July, 1755; and would, perhaps, have prevented even the erection of fort Quesne, which has already cost the nation so much blood and treasure.

soon as the scheme dropped, numerous parties were sent out to harrass the English frontiers. These irruptions were, principally, made on the northern parts of New-England, where the most savage cruelties were daily committed. New-York had, indeed, hitherto escaped, being covered by the Indians of the Five Nations ; but the danger we were in, induced governour Hunter, soon after his arrival, to make a voyage to Albany, where he met the confederate chiefs, and renewed the old covenant. While there, he was strongly solicited, by the New-England governments, to engage our Indians in a war with those who were daily ravaging their borders ; but he prudently declined a measure, which might have exposed his own province to a general devastation. A treaty of neutrality subsisted, at that time, between the confederates and the Canada French and their Indians ; which, depending upon the faith of lawless savages, was, at best, but precarious, and yet the only security we had for the peace of our borders. A rupture between them would have involved us in a scene of misery, at a time, of all others, most unseasonable. However the people of New-England might censure the governour, it was a proof of his wisdom to refuse their request. For besides a want of men and arms to defend us, our forts were fallen down, and the treasury exhausted.

The new assembly met, at New-York, on the 1st of September. Mr. Nicoll, the speaker, Mr. Livingston, Mr. De Lancey, and colonel Morris, were the members most distinguished for their activity in the house. Mr. De Lancey was a protestant refugee, a native of Caen, in Normandy ; and by marrying a daughter of Mr. Courtlandt, connected with a family, then, perhaps, the

most opulent and extensive of any in the province. He was an eminent merchant, and, by a successful trade, had amassed a very considerable fortune. But of all these, colonel Morris had the greatest influence on our publick affairs. He was a man of letters, and, though a little whimsical in his temper, was grave in his manners and of penetrating parts. Being excessively fond of the society of men of sense and reading, he was never wearied at a sitting, till the spirits of the whole company were dissipated. From his infancy, he had lived in a manner best adapted to teach him the nature of man, and to fortify his mind for the vicissitudes of life. He very early lost both his father and mother, and fell under the patronage of his uncle, formerly an officer, of very considerable rank, in Cromwell's army ; who, after the restoration, disguised himself under the profession of quakerism, and settled on a fine farm, within a few miles of the city, called, after his own name, Morrisania. Being a boy of strong passions, the general indications of a fruitful genius, he gave frequent offence to his uncle, and, on one of these occasions, through fear of his resentment, strolled away into Virginia, and thence to Jamaica, in the West-Indies,* where, to support himself, he set up for a scrivener. After several years spent in this vagabond life, he returned again to his uncle, who received the young prodigal with joy ; and, to reduce him to regularity, brought about his marriage with a

* Hugh Coppathwait, a quaker zealot, was his preceptor : the pupil taking advantage of his enthusiasm, hid himself in a tree, and calling to him, ordered him to preach the gospel among the Mohawks. The credulous quaker took it for a miraculous call, and was upon the point of setting out when the cheat was discovered.

daughter of Mr. Graham, a fine lady, with whom he lived above fifty years, in the possession of every enjoyment, which good sense and polite manners in a woman could afford. The greatest part of his life, before the arrival of Mr. Hunter, was spent in New-Jersey,* where he signalized himself in the service both of the proprietors and the assembly. The latter employed him to draw up their complaint against my lord Cornbury, and he was made the bearer of it to the queen. Though he was indolent in the management of his private affairs, yet, through the love of power, he was always busy in matters of a political nature, and no man in the colony equalled him in the knowledge of the law and the arts of intrigue. From this character, the reader will easily perceive that governour Hunter shewed his prudence, in taking Mr. Morris into his confidence, his talents and advantages rendering him either a useful friend or formidable foe. Such were the acting members of this assembly. When brigadier Hunter spoke to them, he recommended the settling a revenue, the defence of the frontiers, and the restoration of the publick credit, which lord Cornbury had almost entirely destroyed. To stifle the remaining sparks of our ancient feuds, he concluded with these words : “ if any go about to disturb your peace, by reviving buried parties or piques, or creating new ones, they shall meet with no countenance or encouragement from me ; and I am sure they deserve

* He was one of the council in that province, and a judge of the supreme court there, in 1692. Upon the surrender of the government to queen Anne, in 1702, he was named to be governour of the colony ; but the appointment was changed in favour of lord Cornbury, the queen's cousin.

as little from you." The address of the house was perfectly agreeable to the governour. They promised to provide for the support of government, and to restore the publick credit, as well as to protect the frontiers. In answer to the close of his speech, they declare their hope, "that such as excited party contentions might meet with as little credit, and as much disgrace, as they deserve." This unanimity, however, was soon interrupted. Colonel Morris, for some warm words dropped in a debate, was expelled the house; and soon after a dispute arose, between the council and assembly, concerning some amendments, made by the former, to a bill "for the treasurer's paying sundry sums of money." The design of it, in mentioning the particular sums, and rendering them issuable by their own officer, was to restrain the governour from repeating the misapplications which had been so frequent in a late administration. The council, for that reason, opposed it, and adhered to their amendments; which occasioned a prorogation, on the 25th of November, after the passing of several other necessary laws.

Mr. Hunter cautiously avoided entering, publickly, into the dispute between the two houses, till he knew the sentiments of the ministry, and then he opened the spring sessions with a speech too singular not to be inserted.

"GENTLEMEN,

"I hope you are now come with a disposition to answer the ends of your meeting, that is, to provide a suitable support for her majesty's government here, in the manner she has been pleased to direct; to find out means to restore the publick credit, and to provide better for your own security.

“ They abuse you, who tell you, that you are hardly dealt by in the augmentation of salaries. Her majesty’s instructions, which I communicated to you, at our last meeting, might have convinced you, that it was her tenderness towards her subjects in the plantations, who suffered under an established custom of making considerable presents to their governours, by acts of assembly, that induced her to allot to each of them such a salary as she judged sufficient for their support, in their respective stations, with a strict prohibition of all such presents for the future ; which instruction has met with a cheerful and grateful compliance in all the other colonies.

“ If you have been in any thing distinguished, it is by an extraordinary measure of her royal bounty and care. I hope you will make suitable returns, lest some insinuations, much repeated of late years, should gain credit at last, that however your resentment has fallen upon the governour, it is the government you dislike.

“ It is necessary, at this time, that you be told also, that giving money for the support of government, and disposing of it at your pleasure, is the same with giving none at all. Her majesty is the sole judge of the merits of her servants. This right has never yet been disputed at home, and should I consent to give it up abroad, I should render myself unworthy, not only of the trust reposed in me, but of the society of my fellow subjects, by incurring her highest displeasure. If I have tired you, by a long speech, I shall make amends by putting you to the trouble of a very short answer.

“ Will you support her majesty’s government, in the manner she has been pleased to direct, or are you re-

solved that burden shall lie still upon the governour, who cannot accuse himself of any thing that may have deserved this treatment at your hands?

“Will you take care of the debts of the government; or, to increase my sufferings, must I continue under the torture of the daily cries of such as have just demands upon you, and are in misery, without the power of giving them any hopes of relief?”

“Will you take more effectual care of your own safety, in that of your frontiers; or are you resolved for the future to rely upon the security of an open winter, and the caprice of your savage neighbours? I shall be very sorry if this plainness offends you. I judge it necessary towards the establishing and cultivating a good understanding betwixt us. I hope it will be so construed, and wish heartily it may have that effect.”

Perplexed with this remarkable speech, the assembly, after a few days, concluded, that as his excellency had prorogued them in February, while he was at Burlington, in the province of New-Jersey, they could not sit and act as a house; upon which they were the same day dissolved.

The five Indian kings carried to England by colonel Schuyler, having seen all the curiosities in London, and been much entertained by many persons of distinction, returned to Boston, with commodore Martin and colonel Nicholson; the latter of whom commanded the forces designed against Port-Royal and the coast of Nova-Scotia. In this enterprise the New-England colonies, agreeable to their wonted courage and loyalty, lent their assistance; and the reduction of the garrison, which was then called Annapolis-Royal, was happily completed on the 2d of October, 1710. Animated by this, and some other successes in Newfoundland, Ni-

cholson again urged the prosecution of the scheme for the reduction of Canada ; which, having been strongly recommended by the Indian chiefs, as the only effectual means to secure the northern colonies, was now again resumed.

Towards the execution of this project, five thousand troops, from England and Flanders, were sent over under the command of brigadier Hill, the brother of Mrs. Masham, the queen's new confidant, on the disgrace of the duchess of Marlborough. The fleet of transports, under the convoy of sir Hoveden Walker, arrived, after a month's passage, at Boston, on the 4th of June, 1711. The provisions, with which they expected to be supplied there, being not provided, the troops landed. Nicholson, who was to command the land forces, came immediately to New-York, where Mr. Hunter convened the assembly, on the 2d of July. The re-election of the same members who had served in the last, was a sufficient proof of the general aversion to the establishment of a revenue. Robert Livingston, junior, who married the only daughter of colonel Schuyler, came in for Albany ; and, together with Mr. Morris, who was again chosen for the borough of Westchester, joined the governour's interest. Brigadier Hunter informed the assembly of the intended expedition, and the arrival of the fleet and forces ; that the quota of this province, settled by the council of war, at New-London, was six hundred private sentinels and their officers ; besides which, he recommended their making provision for building battoes, transporting the troops and provisions, subsisting the Indians, and for the contingent charges : nor did he forget to mention the support of government and the publick debts.

The house was so well pleased with the design upon Canada, that they voted an address of thanks to the queen, and sent a committee to Nicholson, to congratulate his arrival, and make an honourable acknowledgement of his “sedulous application to her majesty for reducing Canada.” In a few days time an act was passed for raising forces ; and the assembly, by a resolution, according to the governour’s advice, restricted the price of provisions to certain particular sums. Bills of credit, for forwarding the expedition, were now also struck, to the amount of 10,000*l.* to be sunk in five years, by a tax on estates real and personal. After these supplies were granted, the governour prorogued the assembly ; though nothing was done relating to the ordinary support of government.

While these preparations were making at New-York, the fleet, consisting of twelve men of war, forty transports, and six store ships, with forty horses, a fine train of artillery, and all manner of warlike stores, sailed for Canada, from Boston, on the 30th of July ; and, about a month afterwards, Nicholson appeared at Albany, at the head of an army of four thousand men, raised in this and the colonies of New-Jersey and Connecticut : the several regiments being commanded by colonel Ingolsby, colonel Whiting, and colonel Schuyler, the latter of whom procured six hundred of the Five Nations to join our army.

The French, in Canada, were not unapprised of these designs. Vaudreuil, the governour general, sent his orders, from Montreal, to the sieur De Beaucourt, to hasten the works he was about at Quebec, and commanded that all the regulars and militia should be held in readiness to march on the first warning. Four or five

hundred Indians, of the more distant nations, arrived at the same time at Montreal, with messieurs St. Pierre and Tonti, who, together with the Caughnuaga proselytes, took up the hatchet in favour of the French. Vaudreuil, after dispatching several Indians and two missionaries among the Five Nations, to detach them from our interest, went to Quebec, which Beaucourt, the engineer, had sufficiently fortified to sustain a long siege. All the principal posts below the city, on both sides of the river, were prepared to receive the British troops in case of their landing. On the 14th of August, Sir Hoveden Walker arrived with the fleet in the mouth of St. Lawrence river ; and fearing to lose the company of the transports, the wind blowing fresh at northwest, he put into Gaspy bay, and continued there till the 20th of the same month. Two days after he sailed from thence, the fleet was in the utmost danger, for they had no soundings, were without sight of land, the wind high at east southeast, and the sky darkened by a thick fog. In these circumstances the fleet brought to, by the advice of the pilots, who were of opinion, that if the ships lay with their heads to the southward, they might be driven by the stream into the midst of the channel : but instead of that, in two hours after, they found themselves on the north shore, among rocks and islands, and upon the point of being lost. The men of war escaped, but eight transports, containing eight hundred souls, officers, soldiers, and seamen, were cast away. Two or three days being spent, in recovering what they could from the shore, it was determined, at a consultation of sea officers, to return to some bay or harbour, till a further resolution could be taken. On the 14th of September they arrived at Spanish-River bay, where a coun.

cil of war, consisting of land and sea officers, considering that they had but ten weeks provision, and judging that they could not depend upon a supply from New-England, unanimously concluded to return home, without making any farther attempts ; and they accordingly arrived at Portsmouth on the 9th of October, when, in addition to our misfortunes, the *Edgar*, a 70 gun ship, was blown up, having on board above four hundred men, besides many persons who came to visit their friends.

As soon as the marquis De Vaudreuil, by the accounts of the fishermen and two other ships, had reason to suspect that our fleet was returned, he went to Chambly, and formed a camp of three thousand men to oppose Nicholson's army, intended to penetrate Canada, at that end. But he was soon informed that our troops were returned, upon the news of the disaster which had befallen the fleet, and that the people of Albany were in the utmost consternation.

The new ministry are generally censured for their conduct in this expedition by the whigs, who condemn both the project and the measures taken towards its execution. The scheme was never laid before the parliament, though it was then sitting ; but this, it is said, was for the greater secrecy, and for the same reason the fleet was not fully victualled at home. They relied upon New-England for supplies, and this destroyed the design. For the ships tarried at Boston till the season for the attack was over.

According to lord Harley's account of this expedition, the whole was a contrivance of Bolingbroke, Moore, and the lord chancellor Harcourt, to cheat the publick of twenty thousand pounds. The latter of these

was pleased to say, "No government was worth serving that would not admit of such advantageous jobs."

Apprehensive that the enemy would fall upon our borders, as they afterwards really did, in small parties, upon the miscarriage of that enterprise ; governour Hunter pressed the assembly, in autumn, to continue a number of men in pay the ensuing winter, and to repair the out forts. After the house had passed several votes to this purpose, his excellency, during the session, went up to Albany, to withdraw the forces of the colony, and give orders for the necessary repairs.

The publick debts, by this unfortunate expedition, were become greatly enhanced, and the assembly, at last, entered upon measures for the support of government, and sent up to the council several bills for that purpose. The latter attempted to make amendments, which the other would not admit, and a warm controversy arose between those two branches of the legislature. The council assigned instances that amendments had formerly been allowed ; and, besides this argument, drawn from precedent, insisted that they were a part of the legislature, constituted as the assembly were, "by the mere grace of the crown ;" adding, that the lords of trade had determined the matter in their favour. The house, nevertheless, adhered to their resolutions, and answered in these words :

" 'Tis true, the share the council have (if any) in the legislation, does not flow from any title they have from the nature of that board, which is only to advise ; or from their being another distinct state, or rank of people in the constitution, which they are not, being all commons ; but only from the mere pleasure of the prince, signified in the commission. On the contrary,

the inherent right the assembly have to dispose of the money of the freemen of this colony, does not proceed from any commission, letters patent, or other grant from the crown ; but from the free choice and election of the people, who ought not to be divested of their property, (nor justly can) without their consent. Any former condescensions, of other assemblies, will not prescribe to the council, a privilege to make any of those amendments, and therefore they have it not. If the lords commissioners for trade and plantations, did conceive no reason why the council should not have right to amend money bills, this is far from concluding there are none. The assembly understand them very well, and are sufficiently convinced of the necessity they are in, not to admit of any encroachment so much to their prejudice."

Both houses adhered obstinately to their respective opinions : in consequence of which, the publick debts remained unpaid, though his excellency could not omit passing a bill for paying to himself 3750 ounces of plate.

Upon the return of the fleet, Dudley, Saltonstal, and Cranston, the governours of the eastern colonies, formed a design of engaging the Five Nations in a rupture with the French, and wrote on that head to Mr. Hunter ; who suspicious that his assembly would not approve of any project that might increase the publick debts, laid their letter before the house, and, according to his expectations, they declared against the scheme.

About this time colonel Hunter, by the advice of his council, began to exercise the office of chancellor, having, on the 4th of October, appointed messieurs Van Dam and Philipse, masters, Mr. Whileman, register, Mr. Harrison, examiner, and messieurs Sharpas and Brough-

ton, clerks. A proclamation was then issued, to signify the sitting of the court on Thursday in every week. This gave rise to these two resolutions of the house :

“ Resolved, That the erecting a court of chancery, without consent in general assembly, is contrary to law, without precedent, and of dangerous consequence to the liberty and property of the subjects.

“ That the establishing fees, without consent in general assembly, is contrary to law.” The council made these votes the subject of part of a long representation, which they shortly after transmitted to the lords of trade, who, in a letter to the governour, in answer to it, approved of his erecting a court of equity, and blamed the assembly ; adding, “ that her majesty has an undoubted right of appointing such, and so many courts of judicature, in the plantations, as she shall think necessary for the distribution of justice.”

At the next meeting, in May, 1712, colonel Hunter strongly recommended the publick debts to the consideration of the assembly, informing them, that the lords of trade had signified their opinion, with respect to the amending money bills, in favour of the council. The house neglected the matters laid before them, and the governour broke up the sessions by a short prorogation of three days. After which they soon passed an act for paying his excellency 8025 ounces of plate. Our publick affairs never wore a more melancholy aspect than at this juncture.

Among the Five Nations many emissaries from the French were daily seducing them from the British interest, and our late ill success gave such a powerful influence to their solicitations, that the Indians even at Catt's Kill sent a belt of Wampum to those in Dutchess

county to prepare for a war. The Senecas and Shawanas were also greatly disaffected, and it was generally apprehended that they would fall upon the inhabitants along Hudson's River. An invasion was strongly suspected, by sea, on the city of New-York, where they had been alarmed, in April, by an insurrection of the negroes ; who, in execution of a plot to set fire to the town, had burnt down a house in the night, killed several people who came to extinguish the fire, for which nineteen of them were afterwards executed. But distressed as the colony then was, the assembly were inflexibly averse to the establishment of a revenue, which had formerly been wickedly misapplied and exhausted. At the ensuing session, in the fall, colonel Hunter proposed a scheme to the assembly, which was, in substance, that the receiver general should give security, residing in the colony, for the due execution of his office ; and, every quarter, account, to the governour and council, for the sums he might receive. That the creditors of the government should, every three months, deliver in their demands to the governour and council ; when, if that quarter's revenue equalled the amount of such debts, the governour, by the advice of council, should draw for it : but if the revenue, for that quarter, should fall short of the governour's demands ; then the warrants were to be drawn for so much only as remained, and the creditors should afterwards receive new drafts for their balances in the next quarter. That no warrant should be issued, until the quarterly account of the revenue was given in ; but that then they should be paid in course, and an action of debt be given against the receiver general in case of refusal. That he should account also to the assembly when required, and permit

all persons to have recourse to his books. The house turned a deaf ear to this plausible project, and displeased with a letter from the lords of trade, favouring the council's claim to amend money bills, they agreed upon an address to the queen, protesting their willingness to support her government, complaining of misapplications in the treasury, intimating their suspicions that they were misrepresented, and praying an instruction to the governour to give his consent to a law, for supporting an agent to represent them at the court of Great Britain. Provoked by this conduct, and to put an end to the disputes subsisting between the two houses, his excellency dissolved the assembly.

Before the meeting of the next assembly, the peace of Utrecht was concluded, on the 31st of March, 1713. A peace, in the judgment of many, dishonourable to Great Britain, and injurious to her allies. I shall only consider it with relation to our Indian affairs. The reader, doubtless, observed that lord Bellamont, after the peace at Ryswick, contended with the governour of Canada, that the Five Nations ought to be considered as subjects of the British crown, and that the point was disputed even after the death of count Frontenac. It does not appear that any decision of that matter was made between the two crowns, till the treaty of Utrecht, the xvth article of which is in these words :

“ The subjects of France inhabiting Canada, and others, shall hereafter give no hindrance or molestation to the Five Nations, or cantons of Indians, subject to the dominion of Great Britain, nor to the other nations of America, who are friends to the same. In like manner, the subjects of Great-Britain shall behave themselves peaceably towards the Americans, who are subjects or

friends to France ; and on both sides they shall enjoy full liberty of going and coming on account of trade. Also the natives of these countries shall, with the same liberty, resort, as they please, to the British and French colonies, for promoting trade on one side and the other, without any molestation or hindrance, either on the part of the British subjects, or of the French. But it is to be exactly and distinctly settled by commissaries, who are, and who ought to be, accounted the subjects of Britain or of France.”

In consequence of this treaty, the British crown became entitled, at least for any claim that could justly be interposed by the French, to the sovereignty over the country of the Five Nations, concerning the extent of which, as it never was adjusted by commissaries, it may not be improper to say a few words.

When the Dutch began the settlement of this country, all the Indians on Long Island, and the northern shore of the sound, on the banks of Connecticut, Hudson's, Delaware, and Susquehanna rivers, were in subjection to the Five Nations ; and, within the memory of persons now living, acknowledged it by the payment of an annual tribute.* The French historians of Canada, both ancient and modern, agree that the more northern Indians were driven before the superior martial prowess of the confederates. The author of the book entitled, *Relation de ce qui s'est passe de plus remarquable aux mission de peres de la compagnie de Jesus, en la nouvelle France*, published with the privilege of the French king, at Paris, in 1661, writes with such

* A little tribe, settled at the sugar-loaf mountain, in Orange county, to this day, make a yearly payment of about 20l. to the Mohawks.

singular simplicity, as obviates the least suspicion of those sinister views, so remarkable in the late French histories. He informs us that all the northern Indians; as far as Hudson's bay, were harrassed by the Five Nations. "*Partout*, (says he, speaking in the name of the missionaries) *nous trouvons Iroquois, qui comme un phantome importun, nous obsede en tous lieux.*" In the account he gives of the travels of a father, in 1658, we are told, that the banks of the upper lake were lined with the Algonkins, "*ou la crainte des Iroquois leur a fait chercher un asyle.*" Writing of the Hurons, "*la nation la plus sedentaire & la plus propre pour les semences de la foi,*" he represents them as totally destroyed by the confederates. Charlevoix, whose history of New-France is calculated to countenance the encroachments of the French, gives the following description of the territory of the confederates :

"The country of the Iroquois (says he) extends itself between the 41st and 44th degrees of north latitude, about seventy or eighty leagues from east to west, from the head of the river, bearing for its name that of Richelieu and Sorel ;* that is, from lake St. Sacrament to Niagara, and a little above forty leagues from north to south, or rather northeast and southwest from the head of the Mohawks river to the river Ohio. Thus the last mentioned river and Pennsylvania bound it on the south. On the west it has lake Ontario ; and lake Erie on the northwest ; St. Sacrament and the river St. Lawrence on the north ; on the south and southeast, the province of New-York. It is watered with

* The river issuing from lake Champlain is called *Riviere des Iroquois de Richelieu & Sorel* : but the last is now most commonly used.

many rivers. The land is in some places broken, but, generally speaking, very fertile."

In this partial description the jesuit is neither consistent with his geographer, nor several other French authors ; and yet both his history and Mr. Bellin's maps, in 1744,* which are bound up with it, furnish many strong evidences in favour of the British claims. I will point out a few instances. The ancient country of the Hurons is laid down on the north side of lake Erie, by which we are ascertained of the extent of territory, to which the Five Nations are entitled by their conquest of that people. The right of the confederates to the south side of that lake, is also established by their dispersion of the Cat Indians, to whom it originally belonged. The land, on both sides of the lake Ontario, is admitted to be theirs by this geographer, who writes on the north, "*les Iroquois du nord*," and on the south side, "*pays des Iroquois*." Hennepin, La Hontan and

* Mr. Bellin published a new set of maps in 1745, the first plate being thought too favourable to our claims, especially in the protraction of the north side of the bay of Fundy, for Nova-Scotia, which in the second plate, was called "the south part of New-France." General Shirley, one of the British commissaries for settling the disputed limits, took occasion to speak of this alteration to Mr. Bellin, at Paris, and informed him that one hundred copies of his first maps were dispersed in London, upon which he discovered some surprise ; but instead of urging any thing in support of the variation in his new draft, said, smiling, "we in France must follow the command of the monarch." I mention this to show that since the French government interposes in the construction of their maps, they are proper evidence against them. Among the English, Dr. Mitchell's is the only authentick one extant. None of the rest, concerning America, have passed under the examination, or received the sanction of any publick board; and, for this reason, they ought not to be construed to our prejudice. Add, that they generally copy from the French.

Delisle, all concur with Bellin, in extending the right of the Five Nations, to the lands on the north side of lake Ontario. The first of these, besides what appears from his map, speaking of that lake, has these words, "there are likewise on the north side these Iroquois villages, Téjajahon, Kente, and Ganneousse;" every one of which is laid down even in Bellin's, and almost all the maps I have seen of that country, whether French or English. What renders Hennepin's account the more remarkable, is, that these villages were there in 1679, seven years after the erection of fort Frontenac. From whence it may fairly be argued, that their not opposing those works, was by no means a cession of the country to the French; and indeed Charlevoix himself represents that matter as carried on by a fraud, for, says he, "under pretext of seeking their advantage, the governour had nothing in view, *que de les tenir en bride.*"

To these attestations, which are the more to be depended upon, because they are given by the French writers, whose partiality leads them to confine the Five Nations to contracted limits,* we may add, that our Indians universally concur in the claim of all the lands, not sold to the English, from the mouth of Sorel river, on the south side of the lakes Erie and Ontario, on both sides of the Ohio, till it falls into the Mississippi; and on the north side of those lakes, that whole ter-

* Mr. Bellin was engineer of the marine, and tells us that Charlevoix performed his travels in this country by order of the French court; that he was a man of attention and curiosity, and had a determined resolution to collect all possible intelligence, which he designed to make publick. To give the greater credit to the jesuit's history and his own map, he adds, that Charlevoix was never without the instruments proper for a voyager, "*partout la boussole a la main.*"

ritory between the Outawais river and the lake Huron, and even beyond the streights between that and lake Erie. This last tract, and the land on the north side of the lakes Erie and Ontario, were contained in their surrender to king William, in 1701 ; of which I took notice in its proper place : and doubtless to that, and lord Bel-
lamont's contest with count Frontenac, we must ascribe it, that the Five Nations were afterwards so particularly taken notice of in the treaty of Utrecht.

The British title to fort Frontenac, and the lands on the north west side of Cadaracqui river, has of late been drawn into question by some, who, from jealousy, or other motives equally shameful, were bent upon finding fault with every measure planned by general Shirley. The advocates for the French claim, relied much on a late Map of the middle British Colonies, and two pamphlets published by Lewis Evans.

“ The French, says he, being in possession of fort Frontenac, at the peace of Ryswick, which they attained during their war with the confederates, gives them an undoubted title to the acquisition of the northwest side of St. Lawrence river, from thence to their settlement at Montreal.” The writer adds ; “ it was upon the faith and honour of king William's promise (by the fourth article of the treaty of Ryswick) of not disturbing the French king in the free possession of the kingdoms, countries, lands, or dominions he then enjoyed, that I said the French had an undoubted title to their acquisition of the northwest side of St. Lawrence river, from Frontenac to Montreal.”

Whether the treaty ought to be considered, as having any relation to this matter, is a question which I shall not take upon me to determine. The map mak-

er supposes it to be applicable, and, for the present, I grant it. The xiith article of this treaty is in these words : “ the most Christian king shall restore to the king of Great-Britain, all countries, islands, forts, and colonies, wheresoever situated, which the English did possess before the declaration of the present war. And in like manner, the king of Great Britain shall restore to the most Christian king, all countries, islands, forts, and colonies, wheresoever situated, which the French did possess before the said declaration of war.” If therefore the British subjects were in possession of fort Frontenac at the commencement of the war, the French, who attained it during its continuance, according to this treaty, ought to have surrendered it to the British crown.

Whatever the French title to fort Frontenac might have been antecedent to the year 1688, in which the island of Montreal was invaded by the Five Nations, it is certain that it was then abandoned, and that the Indians entered it, and demolished a great part of the works.* But the author of the map affirms, “ that the English did not possess fort Frontenac before the declaration of war terminated by the peace of Ryswick.” To which I reply, that the Indians acquired a title in 1688, either by conquest, or dereliction, or both ; and that the crown of Great Britain had a right to take advantage of their acquisition, in virtue of its sovereignty over the Five Cantons. That they were our dependents, was strongly and often insisted upon by governor Dongan and lord Bellamont, and the point remained *sub judice*, till the treaty of Utrecht. Then a decision was solemnly made in our favour, which looks

* Le fort de Catarocouy étoit évacué & ruiné. Charlevoix.

back, as the determination of all disputes do, at least as far as the first rise of the controversy ; posterior to which, and prior to king William's war, his Indian subjects obtained the possession of the fort in question.* Whence I think it may be fairly deduced, if we take the treaty of Ryswick for our rule, that fort Frontenac, which was regained by the French during their war with us, ought to have been surrendered to the British crown. Every publick transaction between the French and the Five Nations, without the participation of the government of Great Britain, since the Indians were claimed as our dependents, is, perhaps, absolutely void, and particularly the treaty of peace made between the Indians and the chevalier De Callieres, after the death of count Frontenac.†

The possession of any part of the country of the Five Nations by the French, either before or since the close of queen Anne's war, cannot prejudice the British title, because the treaty of Aix la Chapelle renews and confirms that executed at Utrecht, in 1713, and expressly stipulates, that the dominions of the contracting parties shall be in the same condition, which they ought

* The Five Nations entered the fort in 1688, and the war against France was not proclaimed till May, 1689.

† Evan's map and first pamphlet, or analysis, were published in the summer, 1755, and that part in favour of the French claim to Frontenac, was attacked by two papers in the New-York Mercury, in Jan. 1756. This occasioned his publication of the second pamphlet the next spring, in which he endeavours to support his map. He was a man in low circumstances, in his temper precipitate, of violent passions, great vanity, and rude manners. He pretended to the knowledge of every thing, and yet had very little learning. By his inquisitive turn he filled his head with a considerable collection of materials ; and a per-

of right to have been in before the late war." Commissaries were soon after appointed to adjust the controverted limits, who accordingly met at Paris, and continued the negotiation, till the French king perfidiously seized upon several parts of Nova-Scotia, or Acadia, the settlement of the bounds of which, was part of the very business of the commissaries. This gave rise to the present operations, and the longest sword will determine the controversy.

Brigadier Hunter was disappointed in his expectations upon the late dissolution, for though the elections were very hot, and several new members came in, yet the majority were in the interest of the late assembly, and on the 27th of May, 1713, chose Mr. Nicoll into the chair. The governour spoke to them with great plainness, informing them, that it would be in vain to endeavour to lodge the money allotted for the support of government, in any other than the hands of the queen's officers. Nevertheless (says he) if you are so resolved, you may put the country to the expense of a treasurer for the custody of money raised for extraordinary uses." He added, that he was resolved to pass no law, till pro-

son of more judgment than he had, might, for a few days, receive advantages from his conversation. He piqued himself much upon his two maps, which are, however, justly chargeable with many errors. His ignorance of language is evident, both in them and the two pamphlets of his analysis, the last of which is stuffed with groundless aspersions on general Shirley, who deserves so well from these colonies, that on that account, and to weaken the authority of a map prejudicial to his majesty's rights, I beg the reader's excuse for this infraction of the old rule, *de mortuis nil nisi bonum*. He died at New-York, June 12, 1756, under an arrest for a gross slander uttered against Mr. Morris, the governour of Pennsylvania.

vision was made for the government. The members were therefore reduced to the dilemma of passing a bill for that purpose, or breaking up immediately. They chose the former, and the governour gave his assent to that, and an excise bill on strong liquors, which continues to this day, producing into the treasury about one thousand pounds per annum. After a short recess, several other laws were enacted in the fall. But the debts of the government still remained unnoticed, till the summer of the year 1714. A long session was then almost entirely devoted to that single affair. Incredible were the numbers of the publick creditors. New demands were every day made. Petitions came in from all quarters, and even for debts contracted before the revolution. Their amount was near twenty-eight thousand pounds. To pay this prodigious sum, recourse was had to the circulation of bills of credit to that value. These were lodged in the hands of the province treasurer, and issued by him only, according to the directions of the act.

The news of the queen's death arriving in the ensuing fall, a dissolution ensued of course; and a new house met in May, 1715, which continued only to the 21st of July; for the governour being now determined to subdue those whom he could not allure, again dissolved the assembly. He succeeded in his design, for though Mr. Nicoll was re-elected into the chair, on the 9th of June, 1716, yet we plainly perceive, by the harmony introduced between the several branches of the legislature, that the majority of the house were now in the interest of the governour.

An incontestable evidence of their good understanding appeared at the session in autumn, 1717, when the governour informed them of a memorial, which had

been sent home, reflecting upon his administration. The house immediately voted an address to him, which was conceived in terms of the utmost respect, testifying their abhorrence of the memorial, as a false and malicious libel. It was supposed to be written by Mulford, a representative for Suffolk county, who always opposed the measures that were taken to preserve the friendship of the Five Nations, and foolishly projected a scheme to cut them off. It was printed in England, and delivered to the members at the door of the house of commons, but never had the author's intended effect.

It was at this meeting the council, on the 31st of October, sent a message by Mr. Alexander, then deputy secretary to the house, desiring them "to appoint proper persons for running the division line between this colony and the province of New-Jersey, his excellency being assured the legislature of the province of New-Jersey will bear half the expense thereof." The assembly had a bill before them, at that time, which afterwards passed into a law, for the payment of the remaining debts of the government, amounting to many thousand pounds ; in which, after a recital of the general reasons for ascertaining the limits between New-York and New-Jersey on the one side, and Connecticut on the other, a clause was added, to defray the expense of those services. Seven hundred and fifty ounces of plate were enacted "to be issued by warrant, under the hand and seal of the governour of this province for the time being, by and with the advice and consent of his majesty's council, in such parts and portions as shall be requisite for that service, when the survey, ascertaining, and running the said line, limit,

and boundary, shall be begun, and carried on, by the mutual consent and agreement of his excellency and council of this province, and the proprietors of the soil of the said province of New-Jersey." According to this law, the line "agreed on by the surveyors and commissioners of each colony was to be conclusive." Another sum was also provided by the same clause, for running the line between New-York and Connecticut; and in the year 1719, an act was passed for the settlement of that limit, of which I shall have occasion to take notice in a succeeding administration.

Whether it was because Mr. Nicoll was disgusted with the governour's prevailing interest in the house, or to his infirm state of health, that he desired, by a letter to the general assembly, on the 18th of May, 1718, to be discharged from the speaker's place, is uncertain. His request was readily granted, and Robert Livingston, esq. chosen in his stead. The concord between the governour and this assembly was now wound up to its highest pitch. Instead of other evidences of it, I shall lay before the reader his last speech to the house, on the 24th of June, 1719, and their address in answer to it.

"GENTLEMEN,

"I have now sent for you, that you may be witnesses to my assent to the acts passed by the general assembly in this session. I hope that what remains unfinished may be perfected by to-morrow, when I intend to put a close to this session.

"I take this opportunity also to acquaint you, that my late uncertain state of health, the care of my little family, and my private affairs, on the other side, have at last, determined me to make use of that license of

absence, which has been, sometime ago, so graciously granted me ; but with a firm resolution to return to you again, if it is his majesty's pleasure that I should do so : but if that proves otherwise, I assure you that whilst I live, I shall be watchful and industrious to promote the interest and welfare of this country, of which, I think, I am under the strongest obligations, for the future, to account myself a countryman.

“ I look with pleasure on the present quiet and flourishing state of the people here, whilst I reflect on that in which I found them at my arrival. As the very name of party or faction seems to be forgotten, may it for ever lie buried in oblivion, and no strife ever happen among you, but that laudable emulation, who shall approve himself the most zealous servant and most dutiful subject of the best of princes, and most useful member of a well established and flourishing community, of which you, gentlemen, have given a happy example, which I hope will be followed by future assemblies. I mention it to your honour, and without ingratitude and breach of duty I could do no less.”

Colonel Morris and the new speaker, were the authors of the answer to this speech, though it was signed by all the members. Whether Mr. Hunter deserved the eulogium they bestowed upon him, I leave the reader to determine. It is certain that few plantation governours have the honour to carry home with them such a testimonial as this :

“ Sir, when we reflect upon your past conduct, your just, mild, and tender administration, it heightens the concern we have for your departure, and makes our grief such as words cannot truly express. You have governed well and wisely, like a prudent magistrate;

like an affectionate parent ; and wherever you go, and whatever station the Divine Providence shall please to assign you, our sincere desires and prayers for the happiness of you and yours, shall always attend you.

“ We have seen many governours, and may see more ; and as none of those, who had the honour to serve in your station, were ever so justly fixed in the affections of the governed, so those to come will acquire no mean reputation, when it can be said of them, their conduct has been like yours.

“ We thankfully accept the honour you do us, in calling yourself our countryman ; give us leave then to desire, that you will not forget this as your country, and, if you can, make haste to return to it.

“ But if the service of our sovereign will not admit of what we so earnestly desire, and his commands deny us that happiness ; permit us to address you as our friend, and give us your assistance, when we are oppressed with an administration the reverse of yours.”

Colonel Hunter departing the province, the chief command devolved, the 31st of July, 1719, on Peter Schuyler, esq. then the eldest member of the board of council. As he had no interview with the assembly during his short administration, in which he behaved with great moderation and integrity, there is very little observable in his time, except a treaty, at Albany, with the Indians, for confirming the ancient league ; and the transactions respecting the partition line between this and the colony of New-Jersey : concerning the latter of which, I shall now lay before the reader a very summary account.

The two provinces were originally included in the grant of king Charles to the duke of York. New-Jer-

sey was afterwards conveyed by the duke to lord Berkley and sir George Carteret. This again, by a deed of partition, was divided into East and West Jersey, the former being released to sir George Carteret, and the latter to the assigns of lord Berkley. The line of division extended from little Egg Harbour to the north partition point on Delaware river, and thus both those tracts became concerned in the limits of the province of New-York. The original rights of lord Berkley and sir George Carteret, are vested in two different sets, consisting each of a great number of persons, known by the general name of the proprietors of East and West Jersey, who, though they surrendered the powers of government to queen Anne, in the year 1702, still retained their property in the soil. These were the persons interested against the claim of New-York. It is agreed, on all sides, that the deed to New-Jersey is to be first satisfied out of that great tract granted to the duke, and that the remainder is the right of New-York. The proprietors insist upon extending their northern limits to a line drawn from the latitude of $41^{\circ} 40'$ on Delaware, to the latitude of 41° on Hudson's river; and alledge that before the year 1671, the latitude of 41° , was reputed to be fourteen miles to the northward of Tappan creek, part of those lands being settled under New-Jersey till 1684. They farther contend, that in 1684 or 1685, Dongan and Lawrie, (the former governour of New-York, and the latter of New-Jersey) with their respective councils agreed that the latitude on Hudson's river was at the mouth of Tappan creek, and that a line from thence to the latitude of $41^{\circ} 40'$ on Delaware should be the boundary line. In 1686, Robinson,

Wells, and Keith,* surveyors of the three several provinces, took two observations, and found the latitude of 41° to be $1'$ and $25''$ to the northward of the Yonker's mills, which is four miles and forty-five chains to the southward of the mouth of Tappan creek. But against these observations the proprietors offer sundry objections, which it is not my business to enumerate. It is not pretended by any of the litigants, that a line, according to the stations settled by Dongan and Lawrie, was actually run ; so that the limits of these contending provinces must long have existed in the uncertain conjectures of the inhabitants of both ; and yet the inconveniences of this unsettled state, through the infancy of the country, were very inconsiderable. In the year 1701, an act passed in New-York, relating to elections, which annexed Wagachemeck, and great and little Minisink, certain settlements near Delaware, to Ulster county. The intent of this law was to quiet disputes before subsisting between the inhabitants of those places, whose votes were required both in Orange and Ulster. The natural conclusion from hence, is that the legislature of New-York then deemed those plantations not included within the New-Jersey grant.

Such was the state of this affair till the year 1717, when provision was made by this province for running the line. The same being done in New-Jersey the succeeding year, commissions for that purpose, under the great seals of the respective colonies, were issued in May, 1719. The commissioners, by indenture, dated the 25th of July, fixed the north station point on the

* The same who left the quakers, and took orders in the church of England. Burnet's hist. of his own times.

northermost branch of Delaware, called the Fish-Kill ; and from thence a random line was run to Hudson's river, terminating about five miles to the northward of the mouth of Tappan creek. In August the surveyors of East Jersey met for fixing the station on Hudson's river. All the commissioners not attending, through sickness, nothing further was done. What had already been transacted, however, gave a general alarm to many persons interested in several patents under New-York, who before imagined their rights extended to the southward of the random line. The New-York surveyor afterwards declined proceeding in the work, complaining of faults in the instrument, which had been used in fixing the north station on Delaware. The proprietors, on the other hand, think they have answered his objections, and the matter rested, without much contention, till the year 1740. Frequent quarrels multiplying after that period, relating to the rights of soil and jurisdiction southward of the line in 1719, a probationary act was passed in New-Jersey, in February, 1748, for running the line *ex parte*, if the province of New-York refused to join in the work. Our assembly, soon after, directed their agent to oppose the king's confirmation of that act ; and it was accordingly dropped, agreeably to the advice of the lords of trade, whose report of the 18th of July, 1753, on a matter of so much importance, will doubtless be acceptable to the reader.

“ *To the king's most excellent majesty :*

“ *May it please your majesty,*

“ We have lately had under our consideration, an act passed in your majesty's province of New-Jersey, in

1747-8, entitled, an act for running and ascertaining the line of partition and division betwixt this province of New-Jersey, and the province of New-York.

“ And having been attended by Mr. Paris, solicitor in behalf of the proprietors of the eastern division of New-Jersey, with Mr. Hume Campbell and Mr. Henley, his counsel, in support of the said act ; and by Mr. Charles, agent for the province of New-York, with Mr. Forrester and Mr. Pratt, his counsel, against the said act ; and heard what each party had to offer thereupon ; we beg leave humbly to represent to your majesty, that the considerations which arise upon this act are of two sorts, viz. such as relate to the principles upon which it is founded, and such as relate to the transactions and circumstances which accompany it.

“ As to the first, it is an act of the province of New-Jersey interested in the determination of the limits, and in the consequential advantages to arise from it.

“ The province of New-Jersey, in its distinct and separate capacity, can neither make nor establish boundaries : it can as little prescribe regulations for deciding differences between itself and other parties concerned in interest.

“ The established limits of its jurisdiction and territory, are such as the grants under which it claims have assigned. If those grants are doubtful, and differences arise upon the constructions, or upon the matters of them, we humbly apprehend that there are but two methods of deciding them : either by the concurrence of all parties concerned in interest, or by the regular and legal forms of judicial proceeding : and it appears to us, that the method of proceeding must be derived from the immediate authority of the crown itself, signified by

a commission from your majesty under the great seal ; the commission of subordinate officers and of derivative powers being neither competent nor adequate to such purposes : to judge otherwise would be, as we humbly conceive, to set up *ex parte* determinations and incompetent jurisdictions in the place of justice and legal authority.

“ If the act of New-Jersey cannot conclude other parties, it cannot be effectual to the ends proposed ; and that it would not be effectual to form an absolute decision in this case, the legislature of that province seems sensible, whilst it endeavours to leave to your majesty’s determination the decision of one point relative to this matter, and of considerable importance to it ; which power your majesty cannot derive from them, without their having the power to establish the thing itself, without the assistance of your majesty.

“ As we are of opinion that the present act, without the concurrence of other parties concerned in interest, is unwarrantable and ineffectual ; we shall, in the next place, consider what transactions and proceedings have passed, towards obtaining such concurrence.

“ The parties interested are your majesty and the two provinces of New-York and New-Jersey. Your majesty is interested with respect to your sovereignty, seigneurie, and property ; and the said provinces with respect to their government and jurisdiction.

“ With regard to the transactions on the part of New-York, we beg leave to observe, that whatever agreements have been made formerly between the two provinces for settling their boundaries ; whatever acts of assembly have passed, and whatever commissions have been issued by the respective governours and governments ;

the proceedings under them have never been perfected, the work remains unfinished, and the disputes between the two provinces subsist with as much contradiction as ever ; but there is a circumstance that appears to us to have still more weight, namely, that those transactions were never properly warranted on the part of the crown ; the crown never participated in them, and, therefore, cannot be bound with respect to its interests by proceedings so authorised.

“ The interest which your majesty has in the determination of this boundary, may be considered in three lights : either as interests of sovereignty, respecting mere government ; of seigneurie, which respect escheats, and quitrents ; or of property, as relative to the soil itself ; which last interest takes place in such cases where either your majesty has never made any grants of the soil, or where such grants have, by escheats, reverted to your majesty.

“ With regard to the first of these interests, viz. that of sovereignty, it has been alledged to us in support of the act, that it is not materially affected by the question, as both provinces are under your majesty’s immediate direction and government : but they stand in a very different light with respect to your majesty’s interest in the quitrents and escheats ; in both which articles the situation of the two provinces appears to us to make a very material alteration : for although the province of New-Jersey is not under regulations of propriety or charter with respect to its government, yet it is a proprietary province with respect to the grant and tenure of its territory, and consequently as New-York is not in that predicament, the determination of the boundary in prejudice to that province, will affect your majesty’s

interest with respect to the tenure of such lands as are concerned in this question : it being evident, that whatever districts are supposed to be included in the limits of New-Jersey, will immediately pass to the proprietors of that province, and be held of them, by which means your majesty would be deprived of your escheats, and the quitrents would pass into other hands.

“ To obviate this objection, it has been alledged, that the crown has already made absolute grants of the whole territory that can possibly come in question under the denomination of this boundary, and reserved only trifling and inconsiderable quitrents on those grants. But this argument does not seem to us to be conclusive, since it admits an interest in your majesty, the greatness or smallness of which is merely accidental ; and therefore does not affect the essence of the question : and we beg leave to observe, that in the case of exorbitant grants with inconsiderable quitrents ; and where, consequently, it may reasonably be supposed, that the crown has been deceived in such grants by its officers ; your majesty’s contingent right of property in virtue of your seigneurie, seems rather to be enlarged than diminished.

“ This being the case, it appears to us, that governor Hunter ought not to have issued his commission for running the line above mentioned, without having previously received the royal direction and instruction for that purpose ; and that a commission issued without such authority, can be considered, with respect to the interests of the crown, in no other light than as a mere nullity : and even with respect to New-York, we observe, that the said commission is questionable, as it does not follow the directions of the above mentioned

act, passed in 1717, which declares that the commission to be issued, shall be granted under the joint authority of the governour and council of that province.

“ But it has been further urged that the crown has since confirmed these transactions, either by previous declarations, or by subsequent acquiescence, and consequently participated in them, so far as to conclude itself : we shall therefore, in the next place, beg leave to consider the circumstances urged for this purpose.

“ It has been alledged that the crown, by giving consent to the aforesaid act, passed in New-York, in 1717, for paying and discharging several debts due from that colony, &c. concluded and bound itself with respect to the subsequent proceedings had under the commission issued by governour Hunter : but the view and purport of that act appears to us so entire, and so distinctly formed for the purpose of raising money and establishing funds—so various and so distinct from any consideration of the disputes subsisting in the two provinces, with respect to the boundaries—that we cannot conceive a single clause, in so long and so intricate an act, can be a sufficient foundation to warrant the proceedings of governour Hunter subsequent to it, without a special authority from the crown for that purpose : and there is the more reason to be of this opinion, as the crown, by giving its assent to that act, can be construed to have assented only to the levying money for a future purpose ; which purpose could not be effected by any commission, but from itself ; and, therefore, can never be supposed to have, thereby, approved a commission from another authority, which was at that time already issued, and carrying in execution, previous to such assent.

“ We further beg leave humbly to represent to your majesty, that the line of partition and division between your majesty’s province of New-York and colony of Connecticut, having been run and ascertained, pursuant to the directions of an act, passed at New-York, for that purpose, in the year 1719, and confirmed by his late majesty, in 1723 ; the transactions between the said province and colony, upon that occasion, have been alledged to be similar to, and urged as a precedent, and even as an approbation, of the matter now in question : but we are humbly of opinion, that the two cases are materially and essentially different. The act passed in New-York, in 1719, for running and ascertaining the lines of partition and division between that colony and the colony of Connecticut, recites, that in the year 1683, the governour and council of New-York, and the governour and commissioners of Connecticut, did, in council, conclude an agreement concerning the boundaries of the two provinces ; that, in consequence of this agreement, commissioners and surveyors were appointed on the part of each government, who did actually agree, determine, and ascertain the lines of partition ; marked out a certain part of them, and fixed the point from whence the remaining part should be run : that the several things agreed on and done by the said commissioners, were ratified by the respective governours—entered on record in each colony, in March, 1700—approved and confirmed by order of king William the third, in his privy council—and by his said majesty’s letter to his governour of New-York. From this recital it appears to us that those transactions were not only carried on with the participation, but confirmed by the express act and authority of the

crown; and that confirmation made the foundation of the act, passed by New-York, for settling the boundaries between the two provinces; of all which authority and foundation, the act, we now lay before your majesty, appears to us to be entirely destitute.

“ Upon the whole, as it appears to us, that the act in question cannot be effectual to the ends proposed—that your majesty’s interest may be materially affected by it—and that the proceedings on which it is founded, were not warranted in the first instance by the proper authority, but carried on without the participation of the crown; we cannot think it advisable to lay this act before your majesty, as fit to receive your royal approbation.

“ Which is most humbly submitted,

“ Dunk Halifax.

“ J. Grenville,

“ James Oswald,

“ Andrew Stone.

“ Whitehall, July 18, 1753.”

HISTORY OF NEW-YORK.

PART V.

From the year 1720, to the commencement of the Administration of Colonel Cosby.

WILLIAM BURNET, esq. took upon him the government of this province, on the 17th of September, 1720. The council, named in his instructions, were

Colonel Schuyler,	Mr. Barbarie,
Colonel De Peyster,	Mr. Philipse,
Captain Walter,	Mr. Byerly,
Colonel Beekman,	Mr. Clarke,
Mr. Van Dam,	Dr. Johnson,
Colonel Heathcote,	Mr. Harison.

Mr. Burnet was a son of the celebrated bishop of that name, whose piety and erudition, but especially his zeal and activity for the glorious revolution and protestant succession, will embalm his memory to the most distant ages. The governour was a man of sense and polite breeding, a well read scholar, sprightly, and of a social disposition. Being devoted to his books, he abstained from all those excesses into which his pleasurable relish would otherwise have plunged him. He studied the arts of recommending himself to the people, had nothing of the moroseness of a scholar, was gay and condescending, affected no pomp, but visited every family of reputation, and often diverted himself in free converse with

the ladies, by whom he was very much admired. No governour, before him, did so much business in chancery. The office of chancellor was his delight. He made a tolerable figure in the exercise of it, though he was no lawyer, and had a foible very unsuitable for a judge, I mean his resolving too speedily ; for he used to say of himself, " I act first, and think afterwards." He spoke however always sensibly, and by his great reading was able to make a literary parade.—As to his fortune it was very inconsiderable, for he suffered much in the South Sea scheme. While in England, he had the office of comptroller of the customs at London, which he resigned to brigadier Hunter, as the latter, in his favour, did the government of this and the colony of New-Jersey. Mr. Burnet's acquaintance with that gentleman gave him a fine opportunity, before his arrival, to obtain good intelligence both of persons and things. The brigadier recommended all his old friends to the favour of his successor, and hence we find that he made few changes amongst them.* Mr. Morris, the chief justice, was his principal confidant. Dr. Colden and Mr. Alexander, two Scotch gentlemen, had the next place in his esteem. He shewed his wisdom in that choice, for they were both men of learning, good morals, and solid parts. The former was well acquainted with the affairs of the province, and particularly those which concerned the French in Canada and our Indian allies. The latter was bred to the law ; and, though no speaker, at

* Colonel Schuyler and Mr. Philipse were, indeed, removed from the council board, by his representations ; and their opposing, in council, the continuance of the assembly, after his arrival, was the cause of it.

the head of his profession for sagacity and penetration ; and in application to business no man could surpass him. Nor was he unacquainted with the affairs of the publick, having served in the secretary's office, the best school in the province, for instruction in matters of government ; because the secretary enjoys a plurality of offices, conversant with the first springs of our provincial economy. Both those gentlemen Mr. Burnet soon raised to the council board, as he also did Mr. Morris, jun. Mr. Van Horn, whose daughter he married, and Mr. Kennedy, who succeeded Byerly, both at the council board, and in the office of receiver general.

Of all our governours none had such extensive and just views of our Indian affairs, and the dangerous neighbourhood of the French, as governour Burnet, in which Mr. Livingston was his principal assistant. His attention to these matters appeared at the very commencement of his administration, for in his first speech to the assembly, the very fall after his arrival, he laboured to implant the same sentiments in the breasts of the members ; endeavouring to alarm their fears, by the daily advances of the French, their possessing the main passes, seducing our Indian allies, and increasing their new settlements in Louisania.

Chief justice Morris, whose influence was very great in the house, drew the address in answer to the governour's speech, which contained a passage manifesting the confidence they reposed in him. " We believe that the son of that worthy prelate, so eminently instrumental under our glorious monarch, William the third, in delivering us from arbitrary power, and its concomitants, popery, superstition, and slavery ; has been educated in, and possesses, those principles, that so justly recom-

mended his father to the council and confidence of protestant princes ; and succeeds our former governour, not only in power, but inclination, to do us good."

From an assembly, impressed with such favourable sentiments, his excellency had the highest reason to expect a submissive compliance with every thing recommended to their notice. The publick business proceeded without suspicion or jealousy, and nothing intervened to disturb the tranquility of the political state. Among the most remarkable acts, passed at this session, we may reckon that for a five years support ; another for laying a duty of two per cent. prime cost, on the importation of European goods, which was soon after repealed by the king ; and a third, for prohibiting the sale of Indian goods to the French. The last of these was a favourite act of the governour's and though a law very advantageous to the province, became the source of an unreasonable opposition against him, which continued through his whole administration. From the conclusion of the peace of Utrecht, a great trade was carried on between Albany and Canada, for goods saleable among the Indians. The chiefs of the confederates wisely foresaw its ill consequences, and complained of it to the commissioners of Indian affairs,* who wrote to Mr. Hun-

* The governour's residing at New-York, rendered it necessary that some person should be commissioned, at Albany, to receive intelligence from the Indians, and treat with them upon emergencies. This gave rise to the office of commissioners of Indian affairs, who, in general, transact all such matters as might be done by the governour. They receive no salaries, but considerable sums are deposited in their hands for occasional presents. There are regular minutes of their transactions from the year 1675. These were in separate quires, till Mr. Alexander, who borrowed them for his perusal, in 1751, had them

ter, acquainting him of their dissatisfaction. The letter was laid before the house, but no effectual step taken to prevent the mischief, till the passing of this act, which subjected the traders to a forfeiture of the effects sold, and the penalty of 100*l*. Mr. Burnet's scheme was to draw the Indian trade into our own hands ; to obstruct the communication of the French with our allies, which gave them frequent opportunities of seducing them from their fidelity ; and to regain the Caghnuagas, who became interested in their disaffection, by being the carriers between Albany and Montreal. Among those who were more immediately prejudiced by this new regulation, the importers of those goods, from Europe, were the chief ; and hence the spring of their opposition to the governour.

All possible arts were used, both here and at home, to preserve the good temper of the assembly. Brigadier Hunter gave the ministry such favourable accounts of the members, that colonel Schuyler, during his presidency, had orders from Mr. secretary Craggs, neither to dissolve them himself, nor permit them to be dissolved ; and at the spring session, in the year 1721, Mr. Burnet informed them that his continuance of them

bound up in four large volumes in folio. Here all our Indian treaties are entered. The books are kept by a secretary, commissioned in England, whose appointment is an annual salary of one hundred pounds proclamation out of the quitrents. The commandant at Oswego is generally a commissioner. The office would probably have been more advantageous than it has been, if the commissioners were not traders themselves, than which nothing is more ignoble in the judgment of the Indians. Sir William Johnson is at present the sole commissioner, and, within nine months after the arrival of general Braddock, received 10,000*l*. sterling to secure the Indian interest.

was highly approved at home. Horatio Walpole, the auditor general, who had appointed Mr. Clarke for his deputy, thought this a favourable conjuncture for procuring five per cent. out of the treasury. But the house were averse to his application, and, on the 2d of June, Abraham De Peyster, jun. was appointed treasurer by the speaker's warrant, with the consent of the governour, in the room of his father, who was infirm; upon which he entered into a recognizance of 5000*l.* to the king, before a judge of the supreme court, for the faithful execution of his trust, which was lodged in the secretary's office. The house, at the same time, in an address, declared their willingness that the treasurer should account; but utterly refused to admit of any draughts upon the treasury, for the auditor general, who was constrained to depend entirely upon the revenue, out of which he received about 200*l.* per annum.

Mr. Burnet being well acquainted with the geography of the country, wisely concluded that it was, to the last degree, necessary to get the command of the great lake Ontario as well for the benefit of the trade, and the security of the friendship of the Five Nations, as to frustrate the French designs of confining the English colonies to narrow limits, along the sea coast, by a chain of forts on the great passes from Canada to Louisiania. Towards the subversion of this scheme, he began the erection of a trading house at Oswego, in the country of the Senecas, in 1722; and recommended a provision for the residence of trusty persons among them, and the Onondagas, which last possess the centre of the five cantons. This year was remarkable for a congress of several governours and commissioners, on the renewal of the ancient friendship with the Indians at Albany,

Mr. Burnet prevailed upon them to send a message to threaten the eastern Indians with a war, unless they concluded a peace with the English, who were very much harrassed by their frequent irruptions. On the 20th of May, in the year following, the confederates were augmented by their reception of above eighty Nicariagas, besides women and children, as they had been formerly, by the addition of the Tuscaroras. The country of the Nicariagas was on the north side Messilimakinac, but the Tuscaroras possessed a tract of land near the sources of James's river, in Virginia, from whence the encroachments of the English induced them to remove, and settle near the south east end of the Oneyda lake.

The strict union subsisting between the several branches of the legislature, gave a handle to Mr. Burnet's enemies to excite a clamour against him. Jealousies were industriously sown in the breasts of the people. The continuance of an assembly, after the accession of a new governour, was represented as an anti constitutional project : and though the affairs of the publick were conducted with wisdom and spirit, many were so much imposed upon, that a rupture between the governour and the assembly was thought to be absolutely necessary for the weal and safety of the community. But this was not the only stratagem of those who were disaffected by the prohibition of the French trade. The London merchants were induced to petition the king for an order to his governour, prohibiting the revival of the act made against it, or the passing any new law of that tendency. The petition was referred to the board of trade, and backed before their lordships, with suggestions of the most notorious falsehoods. The lords of trade prudently ad-

vised that no such directions should be sent to Mr. Burnet, till he had an opportunity of answering the objections against the act. They were accordingly sent over to him, and he laid them before his council. Dr. Colden and Mr. Alexander exerted themselves in a memorable report in answer to them, which drew upon them the resentment of several merchants here, who had first excited the London petition, and laid the foundation for a variance between their families, which has manifested itself on many occasions. In justice to Mr. Burnet's memory, and to show the propriety of his measures for obstructing the French trade, I cannot refrain the republication of the council's report at full length.

" May it please your excellency,

‘ In obedience to your excellency's commands, in council, the 29th of October, referring to us a petition of several merchants in London, presented to the king's most excellent majesty, against renewing an act passed in this province, entitled, “an act for encouragement of the Indian trade, and rendering it more effectual to the inhabitants of this province, and for prohibiting the selling of Indian goods to the French :” as likewise the several allegations of the said merchants before the right honourable the lords of trade and plantations, we beg leave to make the following remarks.

“ In order to make our observations the more distinct and clear, we shall gather together the several assertions of the said merchants, both in their petition, and delivered verbally before the lords of trade, as to the situation of this province, with respect to the French and Indian nations ; and observe on them, in the first place, they being the foundation on which all their other allegations are grounded. Afterwards we

shall lay before your excellency what we think necessary to observe on the other parts of the said petition, in the order they are in the petition, or in the report of the lords of trade.

‘In their geographical accounts they say, “besides the nations of Indians that are in the English interest, there are very many nations of Indians who are at present in the interest of the French, and who lie between New-York and the nations of Indians in the English interest. The French and their Indians would not permit the English Indians to pass over by their forts.” The said act “restrains them, (the Five Nations) from a free commerce with the inhabitants of New-York.”

“The Five Indian Nations are settled upon the banks of the river St. Lawrence, directly opposite to Quebec, two or three hundred leagues distant from the nearest British settlements in New-York.”

“They (the Five Nations of Indians) were two or three hundred leagues distant from Albany ; and that they could not come to trade with the English, but by going down the river St. Lawrence, and from thence through a lake, which brought them within eighteen leagues of Albany.”

‘These things the merchants have thought it safe for them, and consistent with their duty to his sacred majesty, to say in his majesty’s presence, and to repeat them afterwards before the right honourable the lords of trade, though nothing can be more directly contrary to the truth. For there are no nations of Indians between New-York and the nations of Indians in the English interest, who are now six in number, by the addition of the Tuscaroras. The Mohawks (called An

nies * by the French) one of the Five Nations, live on the south side of a branch of Hudson's river, (not on the north side, as they are placed in the French maps) and but forty miles directly west from Albany, and within the English settlements ; some of the English farms, upon the same river, being thirty miles further west. The Oneydas (the next of the Five Nations) lie likewise west from Albany, near the head of the Mohawks' river, about one hundred miles from Albany. The Onondagas lie about one hundred and thirty miles west from Albany ; and the Tuscaroras live partly with the Oneydas, and partly with the Onondagas.† The Cayugas are about one hundred and sixty miles from Albany ; and the Senecas, (the furthest of all these nations,) are not above two hundred and forty miles from Albany, as may appear from Mr. De L'Isle's map of Louisania, who lays down the Five Nations under the name of Iroquois : and goods are daily carried, from this province, to the Senecas, as well as to those nations that lie nearer, by water, all the way, except three miles (or, in the dry seasons, five miles) where the traders carry over land between the Mohawks' river and the Wood creek, which runs into the Oneydas' lake, without going near either St. Lawrence river, or any of the lakes upon which the French pass, which are entirely out of their way.

‘ The nearest French forts or settlements to Albany, are Chambly and Montreal, both of them lying about north and by east from Albany, and are near two hundred miles distant from it. Quebec lies about three hundred and eighty miles northeast from Albany. So

* Agnies.

† De L'Isle.

far is it from being true that the Five Nations are situated upon the banks of the river St. Lawrence, opposite to Quebec, that Albany lies almost directly between Quebec and the Five Nations. And to say that these Indians cannot come to trade at Albany, but by going down the river St. Lawrence, and then into a lake eighteen leagues from Albany (we suppose they mean lake Champlain) passing by the French forts, is to the same purpose as if they should say, that one cannot go from London to Bristol, but by way of Edinburgh.

‘ Before we go on to observe other particulars, we beg leave further to remark, that it is so far from being true, that the Indians in the French interest, lie between New-York and our Five Nations of Indians ; that some of our nations of Indians lie between the French and the Indians, from whence the French bring the far greatest quantity of their furs : for the Senecas (whom the French call Sonontouons*) are situated between lake Erie and Cadaracqui lake, (called by the French, Ontario) near the great fall of Iagara,† by which all the Indians that live round lake Erie, round the lake of the Hurons, round the lake of the Illinois, or Michigan, and round the great upper lake, generally pass in their way to Canada. All the Indians situated upon the branches of the Mississippi, must likewise pass by the same place, if they go to Canada. And all of them likewise, in their way to Canada, pass by our trading place upon the Cadaracqui lake, at the mouth of the Onondaga river. The nearest and safest way of carrying goods upon the Cadaracqui lake, towards Canada, being along

* Isonnontouans.

† Sometimes Oniagara, Ochniagara, but commonly Niagara.

the south side of that lake, (near where our Indians are settled, and our trade of late is fixed) and not by the north side and Cadaracqui, or Frontenac fort, where the French are settled.

‘ Now that we have represented to your excellency that not one word of the geography of these merchants is true, upon which all their reasoning is founded ; it might seem needless to trouble your excellency with any further remarks, were it not to show with what earnestness they are promoting the French interest, to the prejudice of all his majesty’s colonies in North America, and that they are not ashamed of asserting any thing for that end, even in the royal presence.

‘ First they say, “ that by the act passed in this province, entitled, an act for the encouragement of the Indian trade, &c. all trade whatsoever is prohibited in the strictest manner, and under the severest penalties, between the inhabitants of New-York government, and the French of Canada.”

‘ This is not true ; for only carrying goods to the French, which are proper for the Indian trade, is prohibited. The trade, as to other things, is left in the same state it was before that act was made, as it will appear to any person that shall read it : and there are, yearly, large quantities of other goods, openly, carried to Canada, without any hindrance from the government of New-York. Whatever may be said of the severity and penalties in that act, they are found insufficient to deter some from carrying goods clandestinely to the French ; and the legislature of this province are convinced that no penalties can be too severe to prevent a trade, which puts the safety of all his majesty’s subjects of North America in the greatest danger.

‘ Their next assertion is, “ all the Indian goods have by this act been raised 25*l.* to 30*l.* per cent.” This is the only allegation in the whole petition that there is any ground for. Nevertheless, though the common channel of trade cannot be altered without some detriment to it in the beginning ; we are assured from the custom house books, that there has been every year, since the passing of this act, more furs exported from New-York, than in the year immediately before the passing of this act. It is not probable that the greatest difference between the exportation, any year before this act, and any year since, could so much alter the price of beaver, as it is found to be this last year. Beaver is carried to Britain from other parts besides New-York, and it is certain that the price of beaver is not so much altered here by the quantity in our market, as by the demand for it in Britain. But as we cannot be so well informed here, what occasions beaver to be in greater demand in Britain, we must leave that to be enquired after in England. However, we are fully satisfied that it will be found to be for very different reasons from what the merchants alledge.

‘ The merchants go on and say, “ whereas, on the other hand, this branch of the New-York trade, by the discouragements brought upon it by this act, is almost wholly engrossed by the French, who have already, by this act, been encouraged to send proper European goods to Canada, to carry on this trade, so that should this act be continued, the New-York trade, which is very considerable, must be wholly lost to us, and centre in the French.—Though New-York should not furnish them, the French would find another way to be supplied therewith, either from some other o. his majes-

ty's plantations, or it might be directly from Europe.—Many of the goods, which the Indians want, being as easy to be had directly from France or Holland, as from Great Britain.”

‘ This is easily answered, by informing your excellency that the principal of the goods proper for the Indian market, are only of the manufactures of Great Britain, or of the British plantations, viz. strouds, or stroudwaters, and other woollens, and rum.—The French must be obliged to buy all their woollens (the strouds especially) in England, and thence carry them to France, in order to their transportation to Canada.

‘ The voyage to Quebec, through the bay of St. Lawrence, is well known to be the most dangerous of any in the world, and only practicable in the summer months. The French have no commodities in Canada, by reason of the cold and barrenness of the soil, proper for the West-India markets ; and therefore have no rum but by vessels from France, that touch at their islands in the West-Indies. New-York has, by reason of its situation, both as to the sea and the Indians, every way the advantage of Canada. The New-York vessels make always two voyages in a year from England, one in summer, and another in winter, and several voyages in a year to the West-Indies. It is manifest, therefore, that it is not in the power of the French to import any goods near so cheap, to Canada, as they are imported to New-York

‘ But to put this out of all controversy, we need only observe to your excellency, that strouds (without which no considerable trade can be carried on with the Indians) are sold at Albany for 10*l.* a piece : they were sold at Montreal, before this act took place, at 13*l.* 2*s.*

6*l.* and now they are sold there for 25*l.* and upwards ; which is an evident proof that the French have not in these four years time (during the continuance of this act) found out any other way to supply themselves with strouds ; and likewise that they cannot trade without them, seeing they buy them at so extravagant a price.

‘ It likewise appears that none of the neighbouring colonies have been able to supply the French with these goods, and those that know the geography of the country, know it is impracticable to do it at any tolerable rate, because they must carry their goods ten times further by land than we need to do.

‘ We are likewise assured that the merchants of Montreal lately told Mr. Vaudreuil, their governour, that if the trade from Albany be not by some mean or other encouraged, they must abandon that settlement. We have reason, therefore, to suspect that these merchants (at least some of them) have been practised upon by the French agents in London ; for no doubt the French will leave no method untried to defeat the present designs of this government, seeing they are more afraid of the consequences of this trade between New-York and the Indians, than of all the warlike expeditions that ever were attempted against Canada.

‘ But to return to the petitioners. “ They conceive nothing can tend more to the withdrawing the affections of the Five Nations of Indians from the English interest, than the continuance of the said act, which in its effects restrains them from a free commerce with the inhabitants of New-York, and may too probably estrange them from the English interest ; whereas by a freedom of commerce, and an encouraged intercourse of trade with the French and their Indians, the English interest might, in time, be greatly improved and strenghtened.”

‘ It seems to us a strange argument to say that an act, the whole purport of which is to encourage our own people to go among the Indians, and to draw the far Indians through our Indian country to Albany (and which has truly produced these effects) would, on the contrary, restrain them from a free commerce with the inhabitants of New-York, and may too probably estrange them from the English interest ; and therefore that it would be much wiser in us to make use of the French, to promote the English interest ; and for which end, we ought to encourage a free intercourse between them and our Indians. The reverse of this is exactly true, in the opinion of our Five Nations ; who in all their publick treaties with this government, have represented against this trade, as the building the French forts with English strouds : that the encouraging a freedom of commerce with our Indians, and the Indians round them, who must pass through their country to Albany, would certainly increase both the English interest and theirs, among all the nations to the westward of them ; and that the carrying the Indian market to Montreal in Canada, draws all the far Indians thither.

‘ The last thing we have to take notice of, is what the merchants asserted before the lords of trade, viz. “ that there has not been half the quantity of European goods exported since the passing of this act, that used to be.” — ‘ We are well assured, that this is no better grounded than the above facts they assert with the same positiveness. For it is well known, almost to every person in New-York, that there has not been a less, but rather, a greater, quantity of European goods imported into this place, since the passing of this act than was at any time before it, in the same space of time. As this ap-

pears by the manifests in the custom house here, the same may likewise be easily proved by the custom house books in London.

‘ As all the arguments of the merchants run upon the ill effects this act has had upon the trade and the minds of the Indians, every one of which we have shown to be asserted without the least foundation to support them ; there nothing now remains but to shew the good effects this act has produced, which are so notorious in this province, that we know not one person that now opens his mouth against the act.

‘ Before this act passed, none of the people of this province travelled into the Indian countries to trade. We have now above forty young men, who have been several times as far as the lakes a trading, and thereby become well acquainted, not only with the trade of the Indians, but likewise with their manners and languages ; and those have returned with such large quantities of furs, that greater numbers are resolved to follow their example ; so that we have good reason to hope, that in a little time, the English will draw the whole Indian trade of the inland countries to Albany, and into the country of the Five Nations. This government has built a publick trading house upon Cadaracqui lake, at Irondequat, in the Senecas’ land, and another is to be built, next spring, at the mouth of the Onondagas’ river. All the far Indians pass by these places, in their way to Canada ; and they are not above half so far from the English settlements, as they are from the French.

‘ So far is it from being true what the merchants say, “That the French forts interrupt all communication between the Indians and the English ;” that if these places be well supported, as they easily can be from

our settlements, in case of a rupture with the French, it will be in the power of this province to intercept the greatest part of the trade between Canada and the Indians round the lakes and the branches of the Mississippi.—Since this act passed, many nations have come to Albany to trade, in peace and friendship, whose names had not so much as been heard of among us. In the beginning of May, 1723, a nation of Indians came to Albany, singing and dancing, with their calumets before them, as they always do when they come to any place where they have not been before. We do not find that the commissioners of Indian affairs were able to inform themselves what nation this was.

‘ Towards the end of the same month, eighty men, besides the women and children, came to Albany, in the same manner. These had one of our Five Nations with them for an interpreter, by whom they informed the commissioners that they were of a great nation, called Nehkereeages, consisting of six castles and tribes ; and that they lived near a place called by the French Missimakinah, between the upper lake and the lake of the Hurons. These Indians not only desired a free commerce, but likewise to enter into a strict league of friendship with us and our Six Nations, that they might be accounted the seventh nation in the league, and being received accordingly, they left their calumet as a pledge of their fidelity.—In June another nation arrived, but from what part of the continent we have not learned.

‘ In July, the Twightwies arrived, and brought an Indian interpreter of our nations with them, who told, that they were called by the French, Miamies, and that they live upon one of the branches of the river Mississippi.—At the same time some of the Tahsagrondie Indians,

who live between lake Erie and the lake Hurons, near a French settlement, did come and renew their league with the English, nor durst the French hinder them.— In July, this year, another nation came, whose situation and name we know not ; and in August and September, several parties of the same Indians that had been here last year ; but the greatest numbers of these far Indians have been met this year in the Indian country by our traders, every one of them endeavouring to get before another, in order to reap the profits of so advantageous a trade, which has, all this summer long, kept about forty traders constantly employed, in going between our trading places, in our Indian country, and Albany.

‘ All these nations of Indians, who came to Albany, said that the French had told them many strange stories of the English, and did what they could to hinder their coming to Albany, but that they had resolved to break through by force. The difference on this score between the Tahsagrondie Indians and the French (who have a fort and settlement there, called by them Le Detroit) rose to that height, this summer, that Mr. Tonti, who commanded there, thought it proper to retire, and return to Canada with many of his men.

‘ We are, for these reasons, well assured, that this year there will be more beaver exported for Great Britain, than ever was from this province in one year ; and that if the custom house books at London be looked into it will be found that there will be a far greater quantity of goods for the Indians (strouds especially) sent over next spring, than ever was at any one time to this province. For the merchants here tell us, that they have at this time ordered more of these goods than ever was done at any one time before.

‘ These matters of fact prove, beyond contradiction, that this act has been of the greatest service to New-York, in making us acquainted with many nations of Indians, formerly entirely unknown, and strangers to us ; withdrawing them from their dependence upon the French, and in uniting them to us and our Indians, by means of trade and mutual offices of friendship.—Of what great consequence this may be to the British interest in general, as to trade, is apparent to any body. It is no less apparent, likewise, that it is of the greatest consequence to the safety of all the British colonies in North America. We feel, too sensibly, the ill effects of the French interest in the present war betwixt New-England, and only one nation of Indians supported by the French. Of what dismal consequences then might it be, if the French should be able to influence, in the same manner, so many and such numerous nations, as lie to the westward of this province, Pennsylvania and Maryland ? On the other hand, if all these nations (who assert their own freedom, and declare themselves friends to those that supply them best with what they want) be brought to have a dependence upon the English (as we have good reason to hope in a short time they will) the French of Canada, in case of a war, must be at the mercy of the English.

‘ To these advantages must be added, that many of our young men having been induced by this act to travel among the Indians, they learn their manners, their languages, and the situation of all their countries, and become inured to all manner of fatigues and hardships ; and a great many more being resolved to follow their example, these young men, in case of war with the Indians, will be of ten times the service, that the same

number of the common militia can be of.—The effects of this act have likewise so much quieted the minds of the people, with respect to the security of the frontiers, that our settlements are now extended above thirty miles further west towards the Indian countries than they were before it passed.

‘The only thing that now remains to answer is an objection which we suppose may be made, what can induce the merchants of London to petition against an act which will be really so much for their interest in the end? The reason is, in all probability, because they only consider their present gain; and that they are not at all concerned for the safety of this country, in encouraging the most necessary undertaking, if they apprehend their profit for two or three years may be lessened by it. This inclination of the merchants has been so notorious that few nations at war with their neighbours have been able to restrain them from supplying their enemies with ammunition and arms. The count d’Estrade, in his letters, in 1638, says that when the Dutch were besieging Antwerp, one Beiland, who had loaded four fly boats with arms and powder for Antwerp, being taken up by the prince of Orange’s order, and examined at Amsterdam, said, boldly, that the burghers of Amsterdam had a right to trade every where: that he could name a hundred that were factors for the merchants at Antwerp, and that he was one. “That trade cannot be interrupted, and that for his part he was very free to own, that if to get any thing by trade it were necessary to pass through hell, he would venture to burn his sails.” ‘When this principle, so common to merchants, is considered, and that some in this place have got estates by trading many years to

Canada, it is not to be wondered that they have acted as factors for Canada in this affair, and that they have transmitted such accounts to their correspondents in London, as are consistent with the trust reposed in them by the merchants of Canada.

‘ In the last place, we are humbly of opinion that it may be proper to print the petition of the merchants of London, and their allegations before the lords of trade, together with the answers your committee has made thereto, in vindication of the legislature of this province, of which we have the honour to be a part, if your excellency shall approve of our answers ; that what we have said may be exposed to the examination of every one in this place, where the truth of the matters of fact is best known, and that the correspondents of these merchants may have the most publick notice to reply, if they shall think it proper, or to disown, in a publick manner, that they are the authors of such groundless informations. All which is unanimously and humbly submitted, by

‘ Your excellency’s

‘ Most obedient humble servants,

‘ R. Walter, ‘ Cadwallader Colden,
 ‘ Rip Van Dam, ‘ James Alexander,
 ‘ John Barbarie, ‘ Abraham Van Horne.’
 ‘ Fr. Harison,

Governour Burnet transmitted this report to the board of trade ; and it had the intended effect. About the latter end of the year 1724, an unfortunate dispute commenced in the French church, of which, because it had no small influence on the publick affairs of the government, I shall lay before the reader a short account.

The persecutions in France, which ensued upon the revocation of the edict of Nantz, drove the protestant subjects of Louis XIV, into the territories of other princes. Many of them fled even into this province : the most opulent settled in the city of New-York ; others went into the country and planted New Rochelle, and a few seated themselves at the New Paltz, in Ulster county. Those who resided at New-York soon erected a church, upon the principles and model of that in Geneva ; and by their growth and foreign accessions, formed a congregation, for numbers and riches, superior to all but the Dutch. They had two ministers ; Rou, the first called, was a man of learning, but proud, pleasurable, and passionate. Moulinaars, his colleague, was most distinguished for his pacifick spirit, dull parts, and unblameable life and conversation. Rou despised his fellow labourer, and for a long time commanded the whole congregation, by the superiority of his talents for the pulpit. The other, impatient of repeated affronts and open contempt, raised a party in his favour, and this year succeeded in the election of a set of elders, disposed to humble the delinquent. Rou being suspicious of the design, refused to acknowledge them duly elected. Incensed at this conduct, they entered an act in their minutes, dismissing him from the pastoral charge of the church, and procured a ratification of the act under the hands of the majority of the people. Governour Burnet had, long before this time, admitted Rou into his familiarity, on the score of his learning ; and that consideration encouraged a petition to him, from Rou's adherents, complaining against the elders. The matter was then referred to a committee of the council, who advised that the congregation should be admonish-

ed to bring their differences to an amicable conclusion. Some overtures, to that end, were attempted ; and the elders offered to submit the controversy to the Dutch ministers. But Rou, who knew that the French church in this country, without a synod was unorganized, and could not restrain him, chose rather to bring his bill in chancery before the governour.

Mr. Alexander was his council, and Mr. Smith,* a young lawyer, of the first reputation as a speaker, appeared for the elders. He pleaded to the jurisdiction of the court, insisting that the matter was entirely ecclesiastical, and, in the prosecution of his argument, entered largely into an examination of the government of the protestant churches in France. According to which he showed that the consistory were the proper judges of the point in dispute, in the first instance ; and that from thence an appeal lay to a colloque, next to a provincial, and last of all to a national synod. Mr Burnet nevertheless over ruled the plea, and the defendants, being fearful of a decree, that might expose their own estates to the payment of Rou's salary, thought it advisable to drop their debates, reinstate the minister, and leave the church.

All those who opposed Rou were disobliged with the governour : among these Mr. De Lancey was the most considerable for his wealth and popular influence. He was very rigid in his religious profession, one of the first builders, and by far the most generous benefactor of the French church, and therefore left it with the utmost

* These gentlemen came into the colony in the same ship, in 1715. The latter was born at Newport Pagnel, in Buckinghamshire. They were among the principal agents in the political struggles during the administration of colonel Cosby.

reluctance. Mr. Burnet, before this time, had considered him as his enemy, because he had opposed the prohibition of the French trade ; and this led him into a step, which, as it was a personal indignity, Mr. De Lancey could never recollect without resentment. This gentleman was returned for the city of New-York, in the room of a deceased member, at the meeting of the assembly in September, 1725. When he offered himself for the oaths, Mr. Burnet asked him how he became a subject of the crown ? He answered, that he was denized in England, and his excellency dismissed him, taking time to consider the matter. Mr. De Lancey then laid before the house an act of a notary publick, certifying that he was named in a patent of denization, granted in the reign of James the second—A patent of the same kind, under the great seal of this province, in 1686—And two certificates, one of his having taken the oath of allegiance, according to an act passed here, in 1683, and another of his serving in several former assemblies. The governour, in the mean time, consulted the chief justice, and transmitted his opinion* to the house, who resolved in favour of Mr. De Lancey. Several other new representatives came in, at this session, upon the decease of the old members ; and Adolph Philipse, who was some time before dismissed from the council board, was elected into the speaker's chair, in the absence of Mr. Livingston. The majority, however, continued in the interest of the governour ; and consented to the re-

* What colonel Morris' opinion was I have not been able to discover. Governour Burnet's conduct was thought to be unconstitutional, and an invasion of the rights of the assembly, who claim the exclusive privilege of determining the qualifications of their own members.

vival of the several acts which had been passed for prohibiting the French trade ; which, in spite of all the restraints laid upon it, was clandestinely carried on by the people of Albany. Oswego, nevertheless, grew considerable for its commerce : fifty-seven canoes went there this summer, and returned with seven hundred and thirty eight packs of beaver and deer skins.

Nothing could more naturally excite the jealousy of the French than the erection of the new trading house at the mouth of the Onondaga river. Fearful of losing a profitable trade, which they had almost entirely engrossed, and the command of the lake Ontario, they launched two vessels in it in 1726, and transported materials for building a large storehouse and repairing the fort at Niagara. The scheme was not only to secure to themselves the entrance into the west end of the lake, as they already had the east, by the fraudulent erection of fort Frontenac, many years before ; but also to carry their trade more westerly, and thus render Oswego useless, by shortening the travels of the western Indians near two hundred miles. Baron de Longueil, who had the chief command in Canada, on the death of the marquis de Vaudreuil, in October, 1725, was so intent upon this project, that he went, in person, to the Onondaga canton, for leave to raise the storehouse at Niagara : and as those Indians were, most of all, exposed to the intrigues of the jesuits, who constantly resided amongst them, he prevailed upon them, by fraud and false representations, to consent to it, for their protection against the English. But as soon as this matter was made known to the other nations, they declared the permission granted by the Onondagas to be absolutely void ; and sent deputies to Niagara, with

a message, signifying that the country in which they were at work, belonged solely to the Senecas ; and required them immediately to desist. The French, notwithstanding, were regardless of the embassy, and pushed on their enterprise with all possible dispatch, while Joncaire exerted all his address among the Indians to prevent the demolition of the works. Canada was very much indebted to the incessant intrigues of this man. He had been adopted by the Senecas, and was well esteemed by the Onondagas. He spoke the Indian language, as Charlevoix informs us, “avec la plus sublime éloquence Iroquoise,” and had lived among them, after their manner, from the beginning of queen Anne’s reign. All these advantages he improved for the interest of his country ; he facilitated the missionaries in their progress through the cantons, and more than any man contributed to render their dependence upon the English weak and precarious. Convinced of this colonel Schuyler urged the Indians, at his treaty with them, in 1719, to drive Joncaire out of their country, but his endeavours were fruitless.*

The jesuit Charlevoix does honour to Mr. Burnet, in declaring that he left no stone unturned to defeat the French designs at Niagara. Nor is it much to be wondered at. For besides supplanting his favourite trade at Oswego, it tended to the defection of the Five Nations ; and in case of a rupture, exposed the frontiers of our southern colonies to the ravages of the French and

* The same thing has since been frequently laboured, but to no purpose. His son continued the course of intrigues begun by the father, till general Shirley, while he was at Oswego, in 1755, prevailed upon the Senecas to order him to Canada.

their allies. Mr. Burnet, upon whom these considerations made the deepest impression, laid the matter before the house, remonstrated against the proceedings to Longuiel, in Canada, wrote to the ministry in England, who complained of them to the French court, and met the confederates at Albany, endeavouring to convince them of the danger they themselves would be in, from an aspiring, ambitious neighbour. He spoke first about the affair privately to the sachems, and afterwards, in the publick conference, informed them of all the encroachments which the French had made upon their fathers, and the ill usage they had met with, according to La Potherie's account, published with the privilege of the French king, at Paris, in 1722. He then reminded them of the kind treatment they had received from the English, who constantly fed and clothed them, and never attempted any act of hostility to their prejudice. This speech was extremely well drawn, the thoughts being conceived in strong figures, particularly expressive and agreeable to the Indians. The governour required an explicit declaration of their sentiments concerning the French transactions at Niagara, and their answer was truly categorical. "We speak now in the name of all the Six Nations, and come to you howling. This is the reason why we howl, that the governour of Canada encroaches on our land and builds thereon." After which they entreated him to write to the king for succour. Mr. Burnet embraced this favourable opportunity to procure from them a deed surrendering their country to his majesty, to be protected for their use, and confirming their grant in 1701, concerning which there was only an entry in the

books of the secretary for Indian affairs.* It happened, very unfortunately, that his excellency's hands were then more weakened than ever, by the growing disaffection in the house. The intrigues of his adversaries, and the frequent deaths of the members, had introduced such a change in the assembly, that it was with difficulty he procured a three years support. The clamours of the people ran so high, without doors, for a new election, that he was obliged to dissolve the house, and soon after another dissolution ensued upon the death of the king. The French, in the mean time, completed their works at Niagara, and Mr. Burnet, who was unable to do any thing else, erected a fort, in 1727, for the protection of the post and trade at Oswego. This necessary undertaking was pregnant with the most important consequences, not only to this, but all our colonies; and though the governour's seasonable activity deserved the highest testimonials of our gratitude, I am ashamed to confess, what I am bound to relate, that he built the fort at his private expense, and that a balance of above 56*l.* principal, though frequently demanded, remains due to his estate to this very day.

* Besides the territories at the west end of lake Erie, and on the north side of that, and the lake Ontario, which were ceded, in 1701, the Indians now granted, for the same purpose, all their habitations from Oswego to Cayahoga river, which disembogues into lake Erie, and the country extending sixty miles from the southernmost banks of those lakes. Though the first surrender, through negligence, was not made by the execution of a formal deed under seal; yet as it was transacted with all the solemnity of a treaty, and as the second surrender confirms the first, no intermediate possession by the French can prejudice the British title derived by the cession in 1701.

Beauharnois, the governour of Canada, who superseded Longuiel, was so incensed at the building of the fort, that he sent a written summons, in July, to the officer posted there, to abandon it ; and though his predecessor had done the same, a little before, at Niagara, in the country of the Senecas, the acknowledged subjects of the British crown,* yet with a singular effrontery, he dispatched de la Chassaigne, a man of parts, and governour of Trois Rivières, to New-York, with the strongest complaints to Mr. Burnet upon that head. His excellency sent him a polite, but resolute answer, on the eighth of August ; in which he refuted the arguments urged by the French governour general ; and remonstrated against the proceedings of the last year at Niagara.

The new assembly met in September, 1727, and consisted of members all ill affected to the governour. The long continuance of the last, the clamours which were

* Though the sovereignty over the Five Nations was ceded to Great Britain, and Charlevoix himself had acknowledged that Niagara was part of their country, yet the pious jesuit applauds the French settlement there, which was so manifest an infraction of the treaty of Utrecht. The marquis de Nonville, in his letter to the court of France, in 1686, proposed the erection of a fort there, to secure the communication with the lakes, and deprive us of a trade which he computed to be worth 400,000 francs per annum. Charlevoix, perhaps, considered these advantages sufficient to justify the violation of publick faith ; reasoning upon the principles of le chevalier de Callières, who thought the legality of making a conquest of New-York, during the strict peace in James II's reign, might be inferred from the benefit that would thereby accrue to the French colony, “ qu’ il n’y avoit point d’ autre voye pour conserver la colonie, que de nous rendre maitres de la Nouvelle York ; et que cette conquête etoit legitime par la necessité.”

excited by several late important decrees in chancery, the affair of the French church, and especially the prohibiting the Canada trade, were the causes to which the loss of his interest is to be ascribed. Mr. Philipse, the speaker, was piqued at a decree in chancery against himself, which very much affected his estate ; no wonder, then, that the members who were very much influenced by him, came, on the 25th of November, into the following resolutions. Colonel Hicks, from the committee of grievances, reported, " That as well by the complaints of several people, as by the general cry of his majesty's subjects inhabiting this colony, they find that the court of chancery, as lately assumed to be set up here, renders the liberties and properties of the said subjects extremely precarious ; and that by the violent measures taken in, and allowed by it, some have been ruined, others obliged to abandon the colony, and many restrained in it, either by imprisonment or by excessive bail exacted from them not to depart, even when no manner of suits are depending against them : and, therefore, are of opinion that the extraordinary proceedings of that court, and the exorbitant fees and charges, countenanced to be exacted by the officers and practitioners thereof, are the greatest grievance and oppression this colony hath ever felt : and that for removing the fatal consequences thereof, they had come to several resolutions, which being read, were approved by the house, and are as follow :

" Resolved, That the erecting or exercising, in this colony, a court of equity or chancery (however it may be termed) without consent in general assembly, is unwarrantable, and contrary to the laws of England, and

a manifest oppression and grievance to the subjects, and of pernicious consequence to their liberties and properties.

“ Resolved, That this house will at their next meeting prepare and pass an act to declare and adjudge all orders, ordinances, devices, and proceedings, of the court, so assumed to be erected and exercised as above mentioned, to be illegal, null, and void, as by law and right they ought to be.

“ Resolved, That this house, at the same time, will take into consideration whether it be necessary to establish a court of equity or chancery in this colony ; in whom the jurisdiction thereof ought to be vested ; and how far the powers of it shall be prescribed and limited.”

Mr. Burnet no sooner heard of these votes, than he called the members before him, and dissolved the assembly. They occasioned, however, an ordinance in the spring following, as well to remedy sundry abuses in the practise in chancery, as to reduce the fees of that court, which, on account of the popular clamours, were so much diminished that the wheels of the chancery have ever since rusted upon their axes, the practise being contemned by all gentlemen of eminence in the profession.

We are now come to the close of Mr. Burnet's administration, when he was appointed to the chief command of the Massachusetts' Bay. Though we never had a governour to whom the colony is so much indebted as to him ; yet the influence of a faction, in the judgment of some, rendered his removal necessary for the publick tranquillity. Insensible of his merit, the undistinguishing multitude were taught to consider it

as a most fortunate event ; and till the ambitious designs of the French king, with respect to America, awakened our attention to the general welfare, Mr. Burnet's administration was as little esteemed as that of the meanest of his predecessors.

He was very fond of New-York, and left it with reluctance. His marriage here connected him with a numerous family, and, besides an universal acquaintance, there were some gentlemen with whom he contracted a strict intimacy and friendship.

The excessive love of money, a disease common to all his predecessors, and to some who succeeded him, was a vice from which he was entirely free. He sold no offices, nor attempted to raise a fortune by indirect means ; for he lived generously, and carried scarce any thing away with him but his books. These and the conversation of men of letters, were to him inexhaustible sources of delight. His astronomical observations have been useful ; but by his comment on the Apocalypse, he exposed himself, as other learned men have before him, to the criticisms of those who have not abilities to write half so well.

John Montgomerie, esq. received the great seal of this province, from Mr. Burnet, on the 15th of April, 1728, having a commission to supersede him here and in New-Jersey. The council board consisted of,

Mr. Walters,	Mr. Alexander,
Mr. Van Dam,	Mr. Morris, jun.
Mr. Barbarie,	Mr. Van Horne,
Mr. Clarke,	Mr. Provoost,
Mr. Harrison,	Mr. Livingston,
Dr. Colden,	Mr. Kennedy.

The governour was a Scotch gentleman, and bred a soldier ; but, in the latter part of his life, he had little concern with arms, having served as groom of the bed-chamber to his present majesty, before his accession to the throne. This station, and a seat he had in parliament, paved the way to his preferment in America. In his talents for government he was much inferiour to his predecessor, for he had neither strength nor acuteness of parts, and was but little acquainted with any kind of literature.

As in the natural, so in the political world, a violent storm is often immediately succeeded by a peaceful calm ; tired by the mutual struggles of party rage, every man now ceased to act under its influence. The governour's good humour too, extinguished the flames of contention, for being unable to plan, he had no particular scheme to pursue ; and thus by confining himself to the exercise of the common acts of government, our publick affairs flowed on in a peaceful, uninterrupted, stream.

The reader will, for this reason, find none of those events in colonel Montgomerie's short administration, which only take rise under the superintendency of a man of extensive views. Indeed he devoted himself so much to his ease, that he has scarce left us any thing to perpetuate the remembrance of his time.

The two rocks, upon which the publick tranquility was shipwrecked in the late administration, he carefully avoided ; for he dissolved the assembly, called by his predecessor, before they had ever been convened : and as to the chancery he himself countenanced the clamours against it, by declining to sit, till enjoined to exercise the office of chancellor by special orders from

England. He then obeyed the command, but not without discovering his reluctance, and modestly confessing to the practisers that he thought himself unqualified for the station. Indeed the court of chancery was evidently his aversion, and he never gave a single decree in it, nor more than three orders ; and these, both as to matter and form, were first settled by the counsel concerned.

Mr. Philipse was chosen speaker of the assembly, which met on the 23d of July, and continued sitting, in perfect harmony, till autumn. After his excellency had procured a five years support, and several other laws to his mind, of less considerable moment, he went up to Albany, and, on the 1st of October, held a treaty with the Six Nations, for a renewal of the ancient covenant. He gave them great presents, and engaged them in the defence of Oswego. Nothing could be more seasonable than this interview ; for the French, who eyed that important garrison, and our increasing trade there, with the most restless jealousy, prepared, early in the spring following, to demolish the works. Governour Burnet gave the first intelligence of this design, in a letter to colonel Montgomerie, dated at Boston, the 31st of March, 1729. The garrison was thereupon immediately reinforced by a detachment from the independent companies ; which, together with the declared resolution of the Indians, to protect the fort, induced the French to desist from the intended invasion.*

* From that time, to the year 1754, this garrison was guarded only by a lieutenant and five and twenty men. General Shirley's parting from the forces destined against fort du Quesne, and proceeding with half the army to Oswego, in 1755, was extremely fortunate to our col-

Thus far our Indian affairs appeared to be under a tolerable direction ; but these fair prospects were soon obscured by the king's repealing, on the 11th of December, 1729, all the acts which Mr. Burnet, with so much labour and opposition, procured for the prohibition of an execrable trade between Albany and Montreal. To whose intrigues this event is to be ascribed, cannot be certainly determined. But that it was pregnant with the worst consequences, time has sufficiently evinced. Nothing could more naturally tend to undermine the trade at Oswego, to advance the French commerce at Niagara, to alienate the Indians from their fidelity to Great Britain, and particularly to rivet the defection of the Caghnuagas. For these, residing on the south side of St. Lawrence, nearly opposite to Montreal, were employed by the French as their carriers ; and thus became interested against us, by motives of the most prevailing nature. One would imagine that after all the attention bestowed on this affair in the late administration, the objections against this trading intercourse with Canada must have been obvious to the meanest capacity ; and yet so astonishing has been our conduct, that from the time Mr. Burnet removed to Boston, it has rather been encouraged than restrained. This trade, indeed, was subject to duties ; but that at Oswego always was, and still is exposed to the same

onies ; the French being then determined and prepared to possess themselves of that post. Besides the vessels launched there, to secure the command of the lake, the general, before he returned to winter quarters, erected two strong square forts, with bastions, commanding as well the entrance into the Onondaga river, as the old fort ; in the situation of which little regard was had to any thing besides the pleasantness of the prospect.

incumbrance ; while the French trade, in the interval between the years 1744 and 1750, was perfectly free : and as the duty, by the law then made, is laid only on goods sold in the city and county of Albany, the trader, to elude the act, is only exposed to the trouble of transporting his merchandise beyond the scant district of the city ascertained in the charter. But how much soever our inattention to this matter may deserve censure, I cannot, in justice to my countrymen, help observing, that from the severest scrutiny I could make, our people are free from the charge of selling ammunition to the French, which has so unjustly exposed the inhabitants of Albany to the odium of all the colonies in New England.*

The year 1731 was distinguished only by the complete settlement of the disputed boundary between this province and the colony of Connecticut. An event, considering the late colonizing spirit and extensive claims of the people of New-England, of no small importance, and concerning which it may be proper to give a succinct account.

The partition line agreed upon, in 1664, being considered as fraudulent, or erroneous ; a second agreement, suspended only for the king's and the duke's approbation, was concluded, on the 23d of November, 1683, between colonel Dongan and his council, and Robert Trent, esq. then governour of Connecticut, and several other commissioners appointed by that colony.

* Ever since the year 1729, the sale of arms and ammunition to the French has been exempt both from duties and a prohibition ; which I attribute to the confidence of the government that the calumny is entirely groundless.

The line of partition then agreed to be established, was to begin at the mouth of Byram brook, “ where it falleth into the sound, at a point called Lyon’s point, to go as the said river runneth, to the place where the common road, or wading place, over the said river is ; and from the said road or wading place, to go north northwest into the country, as far as will be eight English miles from the foresaid Lyon’s point ; and that a line of twelve miles, being measured from the said Lyon’s point, according to the line or general course of the sound eastward : where the said twelve miles endeth, another line shall be run from the sound, eight miles into the country north northwest, and also, that a fourth line be run (that is to say) from the northermost end of the eight miles line, being the third mentioned line, which fourth line with the first mentioned line, shall be the bounds where they shall fall to run ; and that from the eastermost end of the fourth mentioned line (which is to be twelve miles in length) a line parallel to Hudson’s river, in every place twenty miles distant from Hudson’s river, shall be the bounds there, between the said territories or province of New-York, and the said colony of Connecticut, so far as Connecticut colony doth extend northwards ; that is, to the south line of the Massachusetts colony : only it is provided, that in case the line from Byram brook’s mouth, north northwest eight miles and the line, that is then to run twelve miles to the end of the third forementioned line of eight miles, do diminish or take away land, within twenty miles of Hudson’s river, that then so much as is in land diminished of twenty miles of Hudson’s river thereby, shall be added out of Connecticut bounds unto the line aforementioned, parallel to Hudson’s river and twenty miles distant from

it ; the addition to be made the whole length of the said parallel line, and in such breadth, as will make up, quantity for quantity, what shall be diminished as aforesaid."

Pursuant to this agreement some of the lines were actually run out, and a report made of the survey, which, on the 24th of February, 1684, was confirmed by the governour of each colony, at Milford, in Connecticut. Here the matter rested, till a dispute arose concerning the right of jurisdiction over the towns of Rye and Bedford, which occasioned a solicitation at home ; and on the 28th of March, 1700, king William was pleased to confirm the agreement in 1683.

Nineteen years afterwards, a probationary act was passed, empowering the governour to appoint commissioners, as well to run the line parallel to Hudson's river, as to resurvey the other lines and distinguish the boundary. The Connecticut agent opposed the king's confirmation of this act, *totis viribus* ; but it was approved on the 23d of January, 1723. Two years after, the commissioners and surveyors of both colonies met at Greenwich, and entered first into an agreement relating to the method of performing the work.

The survey was immediately after executed in part, the report being dated on the 12th of May, 1725 ; but the complete settlement was not made till the 14th of May, 1731, when indentures, certifying the execution of the agreement in 1725, were mutually signed by the commissioners and surveyors of both colonies. Upon the establishment of this partition, a tract of land lying on the Connecticut side, consisting of above 60,000 acres, from its figure called the oblong, was ceded to New-

York, as an equivalent for lands near the sound surrendered to Connecticut.*

The very day after the surrender, made by that colony, a patent passed in London to sir Joseph Eyles and others, intended to convey the whole oblong. A grant posterior to the other was also regularly made here, to Hauley and company, of the greatest part of the same tract, which the British patentees brought a bill in chancery to repeal. But the defendants filed an answer, containing so many objections against the English patent, that the suit remains still unprosecuted, and the American proprietors have ever since held the possession. Mr. Harison, of the council, solicited this controversy for sir Joseph Eyles and his partners, which contributed, in a great degree, to the troubles, so remarkable, in a succeeding administration.

Governour Montgomerie died on the 1st of July, 1731 ; and being a man of a kind and humane disposition, his death was not a little lamented. The chief command then devolved upon Rip Van Dam, esq. he being the oldest counsellor, and an eminent merchant, of a fair estate, though distinguished more for the integrity of his heart, than his capacity to hold the reins of government. He took the oaths before,

Mr. Alexander,

Mr. De Lancey,†

Mr. Van Horne,

Mr. Courtlandt.

Mr. Kennedy,

* See Douglas' late plan of the British dominions of New-England.

† This gentleman, being a youth of fine parts, was called up to the council board on the 26th of January, 1729, just after his return from the university. Mr. Morris, jun. was suspended on the same day, for words dropped in a dispute relating to the governour's drafts upon the revenue.

This administration is unfortunately signalized by the memorable encroachment at Crownpoint. An enemy despised at first for his weakness, generally grows formidable for his activity and craft. This observation is true, applied to private persons, religious sects, or publick states. The French, in Canada, have always been jealous of the increasing strength of our colonies ; and a motive of fear led them, naturally, to concert a regular system of conduct for their defence. Confining us to scant limits along the sea coast, is the grand object they have long had in view ; and seizing the important passes from Canada to Louisania, seducing our Indian allies, engrossing the trade, and fortifying the routes into their country, were all proper expedients towards the execution of their plan. By erecting fort St. Frederick, they secured the absolute command of lake Champlain, through which we must pass, if ever a descent be made upon Canada, either to conquer the country, or harrass its out settlements. The garrison was, at first, situated on the east side of the lake, near the south end ; but was afterwards built upon a commodious point on the opposite side. Of all their infractions of the treaty of Utrecht, none was more palpable than this. The country belonged to the Six Nations, and the very spot, upon which the fort stands, is included within a patent to Dellius, the Dutch minister, of Albany, granted under the great seal of this province in 1696. Besides, nothing could be more evident than the danger to which it exposed us. Through this lake the French parties made their ancient bloody incursions upon Schenectady, the Mohawks' castles, and Deerfield ; and the erection of this fort was apparently adapted to facilitate the inroads of the enemy, upon the frontiers of the colonies of

New-York, Massachusetts Bay, and New-Hampshire. For it served not only as an asylum to fly to after the perpetration of their inhumanities, but for a magazine of provisions and ammunition ; and though it was much above 120 miles from the very city of Albany, yet by the conveyance through Sorel river and the lake, it may be reinforced from Montreal in three or four days.*

The Massachusetts government foresaw the dangerous consequences of the French fort at Crownpoint, and governour Belcher gave us the first information of it, in a letter from Boston to Mr. Van Dam. He informed him of the vote of the general court, to bear their proportion of the charge of an embassy to Canada, to forbid the works, and pressed him to engage the opposition of the Six Nations. Van Dam laid the letter before his council, on the 4th of February, 1732 ; who, with singular calmness, advised him to write to the commissioners of Indian affairs, at Albany, ordering them to enquire whether the land belonged to the confederates or the River Indians. That Mr. Van Dam ever wrote to the commissioners, I have not been able to discover ; nor whether any complaint of the encroachment was sent home, according to the second advice of council on the 11th of February ; who, besides the first step,

* The present fort at Crownpoint is said to be a square with four bastions, and a high castle within the walls. It has no ditch, but is strengthened by a redoubt, and mounts six and thirty small cannon. While the colony forces, consisting of about four thousand militia, lay at lake George, employed in erecting fort William Henry, in 1755, the French threw up an advanced work at Ticonderoga, near the northeast end of lake George ; an important pass, about sixteen miles to the southward of fort Frederick.

were now pleased to recommend his transmitting governor Belcher's letter and the Boston vote to the several southwestern colonies.

The passiveness we discovered, on this impudent and dangerous invasion of his majesty's rights, is truly astonishing ; and the more so, as the crown had, at that time, four independent companies, which had long been posted here for our protection, at the annual expense of about 7500*l.* sterling. A very good scheme, in some measure, to repair this shameful misconduct, was afterwards projected, by settling the lands near lake George, with loyal protestant Highlanders from Scotland. Captain Laughlin Campbel, encouraged by a proclamation to that purpose, came over in 1737, and ample promises were made to him. He went upon the land, viewed and approved it ; and was entreated to settle there, even by the Indians, who were taken with his Highland dress. Mr. Clarke, the lieutenant governor, promised him, in a printed advertisement, the grant of 30,000 acres of land, free from all but the charges of the survey and the king's quitrent. Confiding on the faith of the government, captain Campbel went home to Isla, sold his estate, and, shortly after, transported, at his own expense, eighty-three protestant families, consisting of four hundred and twenty-three adults, besides a great number of children. Private faith and publick honour loudly demanded the fair execution of a project, so expensive to the undertaker and beneficial to the colony. But it unfortunately dropped, through the sordid views of some persons in power, who aimed at a share in the intended grant ; to which Campbel, who was a man of spirit, would not consent.

Captain Campbel, afterwards, made an attempt to redress himself, by an application to the assembly here,

and then to the board of trade in England. The first proved abortive, and such were the difficulties attending the last, that he left his colonists to themselves ; and, with the poor remains of his broken fortune, purchased a small farm in this province. No man was better qualified than he, for the business he had engaged in. He had a high sense of honour and a good understanding : was active, loyal, and of a military disposition. For, upon the news of the late rebellion in Scotland, he went home ; fought under the duke, returned to his family, and soon after died ; leaving a widow and several children, who still feel the consequences of his disappointments.

Mr. Van Dam finished his administration, on the 1st of August, 1732 ; when William Cosby, esq. arrived, with a commission, to govern this and the province of New-Jersey. The history of our publick transactions, from this period, to the present time, is full of important and entertaining events, which I leave others to relate. A very near relation to the author had so great a concern in the publick controversies with colonel Cosby, that the history of those times will be better received from a more disinterested pen. To suppress truth, on the one hand, or exaggerate it, on the other, are both inexcusable faults, and perhaps it would be difficult for me to avoid those extremes. Besides, a writer, who exposes the conduct of the living, will inevitably meet with their fury and resentment. The prudent historian of his own times will always be a coward, and never give fire, till death protects him from the malice and stroke of his enemy.

HISTORY OF NEW-YORK.

PART VI.

CHAPTER I.

A Geographical Description of the Country.

THE province of New-York, at present, contains Long Island, Staten Island, and the lands, on the east side of Hudson's river, to the bounds of Connecticut. From the division line between that colony and the Massachusetts' Bay, northward, to the line between us and the French, we claim an extent to Connecticut river.* On the west side of Hudson's river from the sea

* The grounds of this claim are contained in the following report of a committee of council, to governour Clinton, on the 2d of March, 1753, which was drawn up by Mr. Alexander.

“ May it please your excellency,

“ In obedience to your excellency's order, in council, of the 3d day of July last, referring to a committee thereof the petitions of Robert Livingston, jun. esq. and of the owners of a certain tract of land called Westenhook, complaining of new claims and encroachments made upon their lands by the inhabitants of Massachusetts Bay, and also the surveyor general's and the attorney general's reports on the said two petitions: the committee having maturely weighed and considered of the same, humbly beg leave to report to your excellency :

“ 1st, That they apprehend the claims of Massachusetts Bay to the manor of Livingston, or the said tract of land, called Westenhook,

to the latitude of 41° lies New-Jersey. The line of partition between that province and this, from that latitude

cannot be well founded ; because they find that the Dutch claimed the colony of New-Netherland, as extending from cape Cod to cape Cornelius, now called cape Henlopen, westward of Delaware bay, along the sea coast, as far back into the country as any of the rivers within those limits extend ; and that they were actually possessed of Connecticut river, long before any other European people knew any thing of the existence of such a river, and were not only possessed of the mouth of it, where they had a fort and garrison, but discovered the river above an hundred miles up, had their people trading there, and purchased of the natives almost all the lands on both sides of the said river.

“ 2dly, That governour Stuyvesant, the Dutch governour of the said province, by his letter, dated the 2d of September, 1664, new style, in answer to a letter from governour Richard Nicolls, of the $\frac{20}{30}$ August preceding, demanding the surrender of all the forts and places of strength possessed by the Dutch under his (governour Stuyvesant’s) command, writes as follows :—“ Moreover it’s without dispute, and acknowledged by all the world, that our predecessors, by virtue of the commission and patent of the said lords the States General, have, without controul, and peaceably (the contrary never coming to our knowledge) enjoyed fort Orange about forty-eight or fifty years ; and Manhattans about forty-one or forty-two years ; the south river forty years, and the fresh river about thirty-six years.” Which last mentioned river the committee find to be the same that is now called Connecticut river.

“ 3dly, That the said Dutch governour Stuyvesant did, in the year 1664, surrender all the country, which the Dutch did then possess, to king Charles the second, and that the States General made a cession thereof, by the treaty of Breda, in the year 1667 : that the Dutch reconquered part of this province in 1673, and surrendered and absolutely yielded it to king Charles the second, in 1673-4, by the treaty of London ; and that in the year 1674, king Charles granted to the duke of York all the land between Connecticut river and Delaware bay ; the whole of these lands being part of the former colony of New-Netherland.

to the other station on Delaware, is unsettled. From thence, wheresoever it may be fixed, we claim all the

“ 4th, That the duke of York, in his several commissions to major Edmund Andross, on the 1st of July, 1674, and to governour Dongan, on the 30th of September, 1682, among other descriptions of the boundaries of this province, mentions all the lands from the west side of Connecticut river to the east side of Delaware bay : that their majesties, king William and queen Mary, by their commission, bearing date the fourth day of January, in the first year of their majesties’ reign, appointed Henry Sloughter to be governour of the province of New-York, and territories depending thereon ; the boundaries whereof, to Connecticut river, on the east, were notorious, by the grant and other commissions aforesaid, and many other grants and commissions relating to the same.

“ 5th, That the committee apprehend Connecticut river continued the east bounds of this province, until the 28th of March, 1700, when, by king William’s confirmation of an agreement between this province and Connecticut, the western bounds of that colony were settled at twenty miles from Hudson’s river : and they cannot find any other alteration in the eastern bounds of this province, and have no reason to believe any other was made before, or since, that time.

“ 6th, That king James the first, by letters patent, bearing date the 3d of November, in the 18th year of his reign, granted unto the council of Plymouth, from forty to forty-eight degrees of north latitude inclusive; in which there is a recital to this purpose : “ Now for as much as the king has been certainly given to understand, by divers good subjects, that have, for these many years, frequented those coasts and territories, between the degrees of 40 and 48, that there are no other subjects of any Christian king or state, or by any authority from their sovereigns, lords, or princes, actually in possession of any of the said lands or precincts, whereby any right, claim, interest, or title, may or ought, by that means, to accrue or belong to them,” &c. And also a proviso in these words, “ Provided always, that the said lands, islands, or any of the premises, by the said letters patent intended or meant to be granted, were not then actually possessed or inhabited by any other Christian power or state.” Which patent, the committee conceive, could not vest any thing in the grantees, by

lands, on the east side of Delaware, to the north line of Pennsylvania ; and all the territory, on both sides of

reason of the said recital and condition upon which it was granted ; part of the premises being then actually possessed by the Dutch, and most of the said colony of New-Netherland being within the bounds thereof.

“ 7th, That the council of Plymouth, by their deed, dated the 19th of March, in the third year of king Charles the first, granted to sir Henry Rosswell and others, part of what was supposed to be granted by the said letters patent, which grant, from the said council of Plymouth, the committee take to be void, as founded upon the said void patent.

“ 8th That he, the said sir Henry Rosswell, and others, obtained a grant and confirmation thereof, from the crown, under the great seal of England, dated the 4th of March, in the fourth year of king Charles the first, within which grant and confirmation, the province of Massachusetts Bay is included ; which grant and confirmation was adjudged void in the high court of chancery of England, in the year 1684. And the committee are of opinion, that nothing, to the westward of Connecticut river, could pass by that grant and confirmation ; for that his majesty could not have had an intention to grant the same, it being then possessed by the Dutch, as before mentioned.

“ 9th, That the committee conceive the inhabitants of Massachusetts Bay can claim nothing at present, but what is granted them by their last charter, in 1691 ; all their other grants and charters being either void of themselves, or declared so in the chancery of England.

“ 10th, That the bounds, granted by this charter, are westward as far as the colonies of Rhode Island, Connecticut, and the Narraganset country : which words being in the case of a grant from the crown, the committee conceive, cannot extend their bounds farther than to Connecticut colony, and therefore not to Connecticut river, and much less to the westward of it ; because Connecticut itself, at the time of that charter, did not, in the knowledge of the crown, extend westward of that river ; nor did till nine years after, when, by the royal approbation, the agreement between this province and that colony taking place, (which was not to be in force till such approbation) the bounds of that colony were settled as is before mentioned : and the

the Mohawks river, and westward to the isthmus at Niagara : in a word, all the country belonging to the

committee conceive it to be against reason, to suppose that the crown intended, by the said charter, to grant any part of the province of New-York, under the then immediate government of the crown, without express mention thereof in the charter ; and without notification thereof to Henry Sloughter, then governour of this province, that the crown had granted such a part of what was before within his jurisdiction, by their majesties' commission aforesaid to him.

“ 11th, That both the patents, under which the petitioners claim, the committee find were granted under the great seal of this province ; that of the manor of Livingston, in 1686, and that of Westenhook, in 1735. And that the lands contained in the said grants are, the committee apprehend, within the jurisdiction of this province, they being both west of Connecticut river.

“ 12th, That the committee are of opinion, the attempts of the inhabitants of Massachusetts Bay, to make encroachments upon any lands, granted by letters patent, under the great seal of New-York, or upon any lands within the jurisdiction of this province, are disrespectful to his majesty's authority, tend to the disturbance of the subjects of this province, and may be the cause of great mischiefs and disorders.

“ 13th, That the steps taken by the said inhabitants, even were the bounds of this province doubtful and unsettled, are intrusions, and disrespectful to his majesty's authority.

“ And, lastly, The committee are of opinion, that a copy of so much of this report, as shall be approved of by your excellency and the council, be transmitted to the lieutenant governour of the province of Massachusetts Bay, requesting that he would take effectual measures that all encroachments and disturbances, by the people of that colony on his majesty's subjects of this province, be stayed ; and that he would lay this matter before the next general court, that they may inform your excellency by what warrant they claim or exercise any right to soil or jurisdiction, westward of Connecticut river ; that the same may be considered, and such steps taken towards removing all causes of encroachments, or disturbances, for the future, as may be

crown of Great Britain, not already granted ; for we are to consider New-York, among her sister colonies, to borrow a law phrase, as a residuary legatee.

Hence we have, from the beginning, been exposed to controversies about limits. The New-Jersey claim includes several hundred thousand acres, and has not a little impeded the settlement of the colony. The dispute with the Massachusetts' Bay is still more important and, for several years past, occasioned very considerable commotions. The New-Hampshire pretensions have, as yet, exposed us to no great trouble. But when all those claims are settled, a new controversy will probably commence with the proprietaries of Pennsylvania.

This province was, in 1691, divided, by an act of assembly, into twelve counties, which I shall describe in their order.

CITY AND COUNTY OF NEW-YORK.

THE city of New-York, at first, included only the island, called, by the Indians, Manhattans. Manning's

agreeable to equity and justice : to the end, that good understanding may be preserved, which ought to subsist between fellow subjects and neighbouring provinces.

“ All which is nevertheless humbly submitted.

“ By order of the committee,

“ JAMES DE LANCEY, Chairman.”

The government of Massachusetts Bay never exhibited the reasons of their claim, in answer to this report, but continued their encroachments : and, in the spring, 1755, surveyed and sold lands, lying several miles west of the eastern extent of the manor of Livingston and the patent of Claverack.

island, the two Barn islands and the three oyster islands were in the county. But the limits of the city have since been augmented by charter. The island is very narrow, not a mile wide at a medium, and about fourteen miles in length. The southwest point projects into a fine spacious bay, nine miles long and about four in breadth ; at the confluence of the waters of Hudson's river, and the streight between Long Island and the northern shore. The narrows, at the south end of the bay, is scarce two miles wide, and opens the ocean to full view. The passage up to New-York from Sandy Hook, a point that extends farthest into the sea, is safe, and not above five and twenty miles in length. The common navigation is between the east and west banks, in two or three and twenty feet water. But it is said that an eighty gun ship may be brought up, through a narrow, winding, unfrequented channel, between the north end of the east bank and Coney island.

The city has, in reality, no natural bason or harbour. The ships lie off in the road, on the east side of the town, which is docked out, and better built than the west side, because the freshets in Hudson's river, fill it, in some winters, with ice.

The city of New-York, as I have elsewhere had occasion to mention, " consists of about two thousand five hundred buildings. It is a mile in length, and not above half that in breadth. Such is its figure, its centre of business, and the situation of the houses, that the mean cartage from one part to another, does not exceed above one quarter of a mile, than which nothing can be more advantageous to a trading city."

It is thought to be as healthy a spot as any in the world. The east and south parts, in general, are low,

but the rest is situated on a dry, elevated soil. The streets are irregular, but, being paved with round pebbles, are clean, and lined with well built brick houses, many of which are covered with tiled roofs.

No part of America is supplied with markets abounding with greater plenty and variety. We have beef, pork, mutton, poultry, butter, wild fowl, venison, fish, roots, and herbs, of all kinds, in their seasons. Our oysters are a considerable article in the support of the poor. Their beds are within view of the town ; a fleet of two hundred small craft, are often seen there, at a time, when the weather, is mild in winter ; and this single article is computed to be worth annually 10 or 12,000*l*.

This city is the metropolis and grand mart of the province, and, by its commodious situation, commands also all the trade of the western part of Connecticut, and that of East Jersey. “No season prevents our ships from launching out into the ocean. During the greatest severity of winter, an equal, unrestrained activity runs through all ranks, orders, and employments.”

Upon the southwest point of the city stands the fort, which is a square with four bastions. Within the walls is the house in which our governours usually reside ; and opposite to it brick barracks, built, formerly, for the independent companies. The governour's house is in height three stories, and fronts to the west ; having, from the second story, a fine prospect of the bay and the Jersey shore. At the south end there was formerly a chapel, but this was burnt down in the negro conspiracy, of the spring, 1741. According to governor Burnet's observations, this fort stands in the latitude of 40° 42' N.

Below the walls of the garrison, near the water, we have lately raised a line of fortifications, which commands the entrance into the eastern road and the mouth of Hudson's river. This battery is built of stone, and the merlons consist of cedar joists, filled in with earth. It mounts ninety two cannon, and these are all the works we have to defend us. About six furlongs, southeast of the fort, lies Notten island, containing about one hundred or one hundred and twenty acres, reserved, by an act of assembly, as a sort of demense for the governours, upon which it is proposed to erect a strong castle, because an enemy might from thence easily bombard the city, without being annoyed either by our battery, or the fort. During the late war a line of palisadoes was run from Hudson's to the East river, at the other end of the city, with block houses at small distances. The greater part of these still remain as a monument of our folly, which cost the province about 8000*l*.

The inhabitants of New-York are a mixed people, but mostly descended from the original Dutch planters. There are still two churches, in which religious worship is performed in that language. The old building is of stone and ill built, ornamented within by a small organ loft and brass branches. The new church is a high, heavy edifice, has a very extensive area, and was completed in 1729. It has no galleries, and yet will perhaps contain a thousand or twelve hundred auditors. The steeple of this church affords a most beautiful prospect, both of the city beneath and the surrounding country. The Dutch congregation is more numerous than any other, but as the language becomes disused, it is much diminished; and unless they change their

worship into the English tongue, must soon suffer a total dissipation. They have at present two ministers : the reverend messieurs Ritzma and De Ronde, who are both strict Calvinists. Their church was incorporated on the 11th of May, 1696, by the name of the minister, elders, and deacons, of the reformed protestant Dutch church of the city of New-York, and its estate, after the expiration of sundry long leases, will be worth a very great income.*

All the Low Dutch congregations, in this and the province of New-Jersey, worship after the manner of the reformed church in the United Provinces. With respect to government, they are in principle presbyterians; but yet hold themselves in subordination to the classis of Amsterdam, who sometimes permit, and at other times refuse, them the powers of ordination. Some of their ministers consider such a subjection as anti constitutional, and hence, in several of their late annual conventions, at New-York, called the *Coetus*, some debates have arisen among them ; the majority being inclined to erect a classis, or ecclesiastical judicatory, here, for the government of their churches. Those of their ministers, who are natives of Europe, are, in general, averse to the project. The expense attending the ordination of their candidates, in Holland, and the reference of their disputes to the classis of Amsterdam, is very considerable ; and with what consequences, the interruption of their correspondence with the European Dutch, would be attended, in case of a war, well deserves their consideration.

* Their charter was confirmed by a late act of assembly, ratified by his majesty, which recites the viiith article of the surrender, in 1664,

There are, besides the Dutch, two episcopal churches in this city, upon the plan of the established church in South Britain. Trinity church was built in 1696, and afterwards enlarged in 1737. It stands very pleasantly upon the banks of Hudson's river, and has a large cemetery, on each side, inclosed in the front by a painted fence. Before it a long walk is railed off from the Broad way, the pleasantest street of any in the whole town. This building is about one hundred and forty-eight feet long, including the tower and chancel, and seventy-two feet in breadth. The steeple is one hundred and seventy-five feet in height, and over the door facing the river is the following inscription :

PER ANGUSTAM.

“Hoc Trinitatis Templum fundatum est Anno Regni illustrissimi, supremi Domini Gulielmi tertii, Dei Gratia, Angliæ, Scotiæ, Franciæ et Hiberniæ Regis, Fidei Defensoris, &c. Octavo, Annoq. Domini 1696.

“Ac voluntaria quorundam contributione ac Donis Ædificatum, maxime autem, dilecti Regis Chiliarchæ BENJAMINI FLETCHER, hujus provinciæ stratæci et Imperatoris, Munificentia animatum et auctum, cujus tempore moderaminis, hujus Civitatis incolæ, Religionem protestantem Ecclesiæ Anglicanæ, ut secundum Legem nunc stabilitæ profitentes, quodam Diplomate, sub Sigillo Provinciæ incorporati sunt, atque alias plurimas, ex Re sua familiari, Donationes notabiles eidem dedit.”

The church is, within, ornamented beyond any other place of publick worship among us. The head of the chancel is adorned with an altarpiece, and opposite to it, at the other end of the building, is the organ. The tops of the pillars, which support the galleries, are deck-

ed with the gilt busts of angels winged. From the ceiling are suspended two glass branches, and on the walls hang the arms of some of its principal benefactors. The aisles are paved with flat stones.

The present rector of this church is the rev. Mr. Henry Barclay, formerly a missionary among the Mohawks, who receives 100*l.* a year, levied upon all the other clergy and laity in the city, by virtue of an act of assembly procured by governour Fletcher. He is assisted by Dr. Johnson and Mr. Auchmuty.

This congregation, partly by the arrival of strangers from Europe, but principally by proselytes from the Dutch churches, is become so numerous, that though the old building will contain two thousand hearers, yet a new one was erected in 1752. This, called St. George's chapel* is a very great edifice, faced with hewn stone and tiled. The steeple is lofty,† but irregular ; and its situation in a new, crouded, and ill built part of the town.

The rector, churchwardens, and vestrymen of Trinity church, are incorporated by an act of assembly, which grants the two last the advowson or right of presentation ; but enacts, that the rector shall be instituted and inducted in a manner most agreeable to the king's instructions to the governour, and the canonical right of the bishop of London. Their worship is conducted after the mode of the church of England ; and with respect to government, they are empowered to make rules and orders for themselves, being, if I may use the expression, an independent ecclesiastical corporation.

* The length, exclusive of the chancel, ninety-two feet, and its breadth twenty feet less.

† One hundred and seventy-five feet.

The revenue of this church is restricted, by an act of assembly, to 500*l.* per annum ; but it is possessed of a real estate, at the north end of the town, which, having been lately divided into lots and let to farm, will, in a few years, produce a much greater income.

The presbyterians, increasing after lord Cornbury's return to England, called Mr. Anderson, a Scotch minister, to the pastoral charge of their congregation ; and Dr. John Nicol, Patrick Mac Night, Gilbert Livingston and Thomas Smith, purchased a piece of ground and founded a church, in 1719. Two years afterwards they petitioned colonel Schuyler, who had then the chief command, for a charter of incorporation, to secure their estate for religious worship, upon the plan of the church in North Britain ; but were disappointed in their expectations, through the opposition of the episcopal party. They, shortly after, renewed their request to governour Burnet, who referred the petition to his council. The episcopalians again violently opposed the grant, and the governour, in 1724, wrote upon the subject to the lords of trade for their direction. Counsellor West, who was then consulted, gave his opinion in these words: " Upon consideration of the several acts of uniformity that have passed in Great Britain, I am of opinion that they do not extend to New-York, and consequently an act of toleration is of no use in that province ; and, therefore, as there is no provincial act for uniformity, according to the church of England, I am of opinion, that, by law, such patent of incorporation may be granted, as by the petition is desired. *Richard West*, 20 August, 1724."

After several years solicitation for a charter, in vain, and fearful that those who obstructed such a reasonable

request, would watch an opportunity to give them a more effectual wound ; those, among the presbyterians, who were invested with the fee simple of the church and ground, “ conveyed it, on the 16th of March, 1730, to the moderator of the general assembly of the church of Scotland and the commission thereof, the moderator of the presbytery of Edinburgh, the principal of the college of Edinburgh, the professor of divinity therein, and the procurator and agent of the church of Scotland, for the time being, and their successors in office, as a committee of the general assembly.” On the 15th of August, 1732, the church of Scotland, by an instrument under the seal of the general assembly, and signed by Mr. Niel Campbell, principal of the university of Glasgow, and moderator of the general assembly and commission thereof ; Mr. James Nesbit, one of the ministers of the gospel at Edinburgh, moderator of the presbytery of Edinburgh ; Mr. William Hamilton, principal of the university of Edinburgh ; Mr. James Smith, professor of divinity therein ; and Mr. William Grant, advocate procurator for the church of Scotland, for the time being ; pursuant to an act of the general assembly, dated the 8th of May, 1731, did declare, “ that notwithstanding the aforesaid right made to them and their successors in office, they were desirous, that the aforesaid building and edifice and appurtenances thereof, be preserved for the pious and religious purposes for which the same were designed ; and that it should be free and lawful to the presbyterians then residing, or that should at any time, thereafter, be resident, in, or near, the aforesaid city of New-York, in America, or others joining with them, to convene, in the foresaid church, for the worship of God in

all the parts thereof, and for the dispensation of all gospel ordinances ; and, generally, to use and occupy the said church and its appurtenances, fully and freely in all times coming, they supporting and maintaining the edifice and appurtenances at their own charge.”

Mr. Anderson was succeeded, in April, 1727, by the rev. Mr. Ebenezer Pemberton, a man of polite breeding, pure morals, and warm devotion ; under whose incessant labours the congregation greatly increased, and was enabled to erect the present edifice in 1748. It is built of stone, railed off from the street, is eighty feet long and in breadth sixty. The steeple, raised on the south west end, is in height one hundred and forty-five feet. In the front to the street, between two long windows, is the following inscription gilt and cut in a black slate six feet in length.

Auspicante Deo
Hanc ædem
Cultui divino sacram
In perpetuum
celebrando,
A. D. MDCCXIX.
Primo fundatam ;
Denuo penitus reparatam
et
Ampliolem et ornatiorlem
A. D. MDCCXLVIII
Constructam,
Neo-Eboracenses presbyteriani
In suum et suorum usum
Condentes,

In hac votiva tabula

D D D Q.

* * *

Concordia, amore

Necnon fidei cultus et morum

Puritate

Suffulta, clariusq. exornata,

Annuate Christo,

Longum perduret in ævum.

Mr. Alexander Cumming, a young gentleman of learning and singular penetration, was chosen colleague to Mr. Pemberton, in 1750 : but both were dismissed, at their request, about three years afterwards ; the former through indisposition, and the latter on account of trifling contentions, kindled by the bigotry and ignorance of the lower sort of people. These debates continued till they were closed, in April, 1756, by a decision of the synod, to which almost all our presbyterian churches, in this and the southern provinces, are subject. The congregation consists, at present, of twelve or fourteen hundred souls, under the pastoral charge of the reverend Mr. David Bostwick, who was lately translated from Jamaica to New-York, by a synodical decree. He is a gentleman of a mild, catholick disposition ; and being a man of piety, prudence and zeal, confines himself entirely to the proper business of his function. In the art of preaching he is one of the most distinguished clergymen in these parts. His discourses are methodical, sound, and pathetick ; in sentiment, and in point of diction, singularly ornamented. He delivers himself without notes, and yet with great ease and fluency of expression ; and performs every part of divine worship with a striking solemnity.

The French church, by the contentions in 1724, and the disuse of the language, is now reduced to an inconsiderable handful. The building, which is of stone, is nearly a square,* plain both within and without. It is fenced from the street, has a steeple and a bell, the latter of which was the gift of sir Henry Ashurst, of London. On the front of the church is the following inscription :

ÆDES SACRA
GALLOR. PROT.
REFORM.
FVNDA. 1704.
PENITVS
REPAR. 1741.

The present minister, Mr. Carle, is a native of France, and succeeded Mr. Rou in 1754. He bears an irreproachable character, is very intent upon his studies, preaches moderate Calvinism, and speaks with propriety, both of pronunciation and gesture.

The German Lutheran churches are two. Both their places of worship are small : one of them has a cupola and bell.

The Quakers have a meetinghouse, and the Moravians, a new sect among us, a church, consisting principally of female proselytes from other societies. Their service is in the English tongue.

The Anabaptists assemble at a small meetinghouse, but have as yet no regular settled congregation. The Jews, who are not inconsiderable for their numbers, worship in a synagogue, erected in a very private part of the town, plain without, but very neat within.

* The area is seventy feet long, and in breadth fifty.

The city hall is a strong brick building, two stories in height, in the shape of an oblong, winged with one at each end, at right angles with the first. The floor below is an open walk, except two jails, and the jailor's apartments. The cellar underneath is a dungeon, and the garret above a common prison. This edifice is erected in a place where four streets meet, and fronts, to the southwest, one of the most spacious streets in town. The eastern wing, in the second story, consists of the assembly chamber, a lobby, and a small room for the speaker of the house. The west wing, on the same floor, forms the council room and a library; and in the space between the ends, the supreme court is ordinarily held.

The library consists of a thousand volumes, which were bequeathed to the society for the propagation of the Gospel in foreign parts, by Dr. Millington, rector of Newington. Mr. Humphrys, the society's secretary, in a letter of the 23d of September, 1728, informed governor Montgomerie, that the society intended to place these books in New-York, intending to establish a library, for the use of the clergy and gentlemen of this and the neighbouring governments of Connecticut, New-Jersey, and Pennsylvania, upon giving security to return them; and desired the governor to recommend it to the assembly, to provide a place to deposit the books, and to concur in an act for the preservation of them and others that might be added. Governor Montgomerie sent the letter to the assembly, who ordered it to be laid before the city corporation, and the latter, in June, 1729, agreed to provide a proper repository for the books, which were accordingly soon after

sent over. The greatest part of them are upon theological subjects, and, through the carelessness of the keepers, many are missing.

In 1754, a set of gentlemen undertook to carry about a subscription towards raising a publick library, and in a few days collected near 600*l.* which were laid out in purchasing about seven hundred volumes of new, well chosen books. Every subscriber, upon payment of 5*l.* principal, and the annual sum of 10*s.* is entitled to the use of these books. His right, by the articles, is assignable, and for non compliance with them may be forfeited. The care of this library is committed to twelve trustees, annually elected by the subscribers, on the last Tuesday of April, who are restricted from making any rules repugnant to the fundamental subscription. This is the beginning of a library, which, in process of time will probably become vastly rich and voluminous; and it would be very proper for the company to have a charter for its security and encouragement. The books are deposited in the same room with those given by the society.

Besides the city-hall, there belong to the corporation, a large alnshouse or place of correction, and the exchange, in the latter of which there is a large room raised upon brick arches, generally used for publick entertainments, concerts of musick, balls and assemblies.

Though the city was put under the government of a mayor, &c. in 1665, it was not regularly incorporated till 1686. Since that time several charters have been passed: the last was granted by governour Montgomerie on the 15th of January, 1730.

It is divided into seven wards, and is under the government of a mayor, recorder, seven aldermen, and as

many assistants or common councilmen. The mayor, a sheriff, and coroner, are annually appointed by the governour. The recorder has a patent during pleasure. The aldermen, assistants, assessors and collectors, are annually elected by the freemen and freeholders of the respective wards. The mayor has the sole appointment of a deputy, and, together with four aldermen, may appoint a chamberlain. The mayor, or recorder, four aldermen, and as many assistants, form "The common council of the city of New-York;" and this body, by a majority of voices, hath power to make bye laws for the government of the city, which are binding only for a year, unless confirmed by the governour and council. They have many other privileges relating to ferriages, markets, fairs, the assize of bread, wine, &c. and the licensing and regulation of tavern keepers, cartage, and the like. The mayor, his deputy, the recorder and aldermen, are constituted justices of the peace; and may hold not only a court of record once a week, to take cognizance of all civil causes, but also a court of general quarter sessions of the peace. They have a common clerk, commissioned by the governour, who enjoys an appointment worth about four or five hundred pounds per annum. The annual revenue of the corporation is near two thousand pounds. The standing militia of the island consists of about twenty-three hundred men,* and the city has in reserve, a thousand stand of arms for seamen, the poor and others, in case of an invasion.

* The whole number of the inhabitants, exclusive of females above sixty, according to a list returned to the governour, in the spring, 1756, amounted to 10,468 whites, and 2,275 negroes; but that account is erroneous. It is most probable that there are in the city 15,000 souls.

The north eastern part of New-York island, is inhabited, principally, by Dutch farmers, who have a small village there called Haerlem, pleasantly situated on a flat cultivated for the city markets.

WESTCHESTER.

THIS county is large, and includes all the land beyond the island of Manhattans, along the sound, to the Connecticut line which is its eastern boundary. It extends northward to the middle of the highlands, and westward to Hudson's river. A great part of this county is contained in the manors of Philipsburgh, Pelham, Fordham, and Courtlandt, the last of which has the privilege of sending a representative to the general assembly. The county is tolerably settled. The lands are in general rough but fertile, and therefore the farmers run principally on grazing. It has several towns, East-Chester, West-Chester, New-Rochelle, Rye, Bedford, and North-Castle. The inhabitants are either English or Dutch presbyterians, episcopalians, quakers and French protestants. The former are the most numerous. The two episcopal missionaries are settled at Rye and East-Chester, and receive each 60% annually taxed upon the county. The town of West-Chester is an incorporated borough, enjoying a mayor's court, and the right of being represented by a member in assembly.

DUTCHESS.

THIS county adjoins to West-Chester, which bounds it on the south, the Connecticut line on the east,* Hud-

* In describing the limits of the several counties, I regard their bounds according to the jurisdiction as now exercised in each, rather

son's river on the west, and the county of Albany on the north. The south part of this county is mountainous and fit only for iron works, but the rest contains a great quantity of good upland well watered. The only villages in it are Poughkeepsie and the Fish Kill, though they scarce deserve the name. The inhabitants on the banks of the river are Dutch, but those more easterly, Englishmen, and, for the most part, emigrants from Connecticut and Long Island. There is no episcopal church in it. The growth of this county has been very sudden, and commenced but a few years ago. Within the memory of persons now living, it did not contain above twelve families; and, according to the late returns of the militia, it will furnish, at present, above two thousand five hundred fighting men.

ALBANY.

THIS county extends from the south bounds of the manor of Livingston, on the east side, and Ulster, on the west side of Hudson's river: on the north its limits are not yet ascertained. It contains a vast quantity of fine low land. Its principal commodities are wheat, peas, and pine boards.

The city of Albany, which is near one hundred and fifty miles from New-York, is situated on the west side of the river. There our governours usually treat with the Indians dependent upon the British crown. The houses are built of brick, in the Dutch taste, and are in number about three hundred and fifty. There are two

than the laws relating to them, which are very imperfect, especially the general act, in 1691. The greatest part of Hudson's river is not included in any of our counties.

churches in it. That of the episcopalians, the only one in this large county, is a stone building. The congregation is but small, almost all the inhabitants resorting to the Dutch church, which is a plain, square, stone edifice. Besides these, they have no other publick buildings, except the city hall and the fort ; the latter of which is a stone square, with four bastions, situated on an eminence which overlooks the town, but is itself commanded by higher ground. The greatest part of the city is fortified only by palisadoes, and in some places there are small cannon planted in blockhouses. Albany was incorporated, by colonel Dongan, in 1686, and is under the government of a mayor, recorder, six aldermen, and as many assistants. It has also a sheriff, town clerk, chamberlain, clerk of the markets, one high constable, three sub-constables, and a marshal. The corporation is empowered besides, to hold a mayor's court for the trial of civil causes, and a court of general quarter sessions.

Sixteen or eighteen miles northwest from Albany lies Schenectady, on the banks of the Mohawks' river, which falls into Hudson's river twelve miles to the north of Albany. This village is compact and regular, built principally of brick, on a rich flat of low land, surrounded with hills. It has a large Dutch church, with a steeple and town clock, near the centre. The windings of the river through the town, and the fields (which are often overflowed in the spring) form, about harvest, a most beautiful prospect. The lands, in the vale of Schenectady, are so fertile that they are commonly sold at 45*l.* per acre. Though the farmers use no kind of manure they till the fields every year, and they always produce full crops of wheat or peas. Their

church was incorporated by governour Cosby, and the town has the privilege of sending a member to the assembly.

From this village our Indian traders set out in battoes for Oswego. The Mohawks' river, from hence to fort Hunter, abounds with rifts and shoals, which, in the spring, give but little obstruction to the navigation. From thence to its head, or rather to the portage into the Wood creek, the conveyance is easy and the current less rapid. The banks of this river are, in general, low, and the soil exceeding good. Our settlements, on the north side, extend to Burnet's field, a flat inhabited by Germans, which produces wheat and peas in surprising plenty. On the south side, except a few Scotch Irish in Cherry Valley at the head of Susquehanna, we have but few farms west of the three German towns on Schoharie, a small creek which empties itself into the Mohawks' river, about twenty miles west of Schenectady. The fur trade at Oswego, is one of the principal advantages of this county. The Indians resort thither in May, and the trade continues till the latter end of July. A good road might be made from Schenectady to Oswego. In the summer seventeen hundred and fifty-five, fat cattle were easily driven there for the army under the command of general Shirley.

The principal settlements to the northward of Albany are Connestigiune, eastward of Schenectady, on the Mohawks' river, which a little lower tumbles down a precipice of about seventy feet high, called the Cahoes. The surprise, which, as one might imagine, would naturally be excited by the view of so great a cataract, is much diminished by the height of the banks of the river; besides, the fall is as uniform as a mill dam, being uninterrupted by the projection of rocks.

At Scaghtahook, on the east side of the north branch of Hudson's river, there are a few farms, but many more several miles to the eastward, and about twenty-five miles from Albany, in the patent of Hosick. These were all broke up by an irruption of French and Indians, who, on the 28th of August, 1754, killed and scalped two persons, and set fire to the houses and barns.

About forty miles to the northward of Albany, on the west side of the river, lies Saratoga, a fine tract of low land, from which several families were driven by the French Indians, in the late war. A project of purchasing these lands from the proprietors, settling them with Indians, raising a fort there and cultivating the soil for them, has been often talked of since captain Campbel's disappointment, as a proper expedient to curb the scalping parties sent out from Crownpoint.

In the southern part of the county of Albany, on both sides of Hudson's river, the settlements are very scattered, except within twelve miles of the city, when the banks become low and accessible. The islands here, which are many, contain perhaps the finest soil in the world.

There are two manors in the county, Renslaerwyck and Livingston, which have each the privilege of sending a member to the assembly. The tenants of these manors, and of the patents of Claverack, have free farms at the annual rent of a tenth of the produce, which has as yet been neither exacted nor paid. At Ancram, in the manor of Livingston, is an iron furnace, about fourteen miles from the river. Its best and most improved lands lie at Tachanic, in the eastern parts, which have of late been much disturbed by the inroads of the Massachusetts' Bay, on this and the patents of Westenhook and Claverack.

The winters in this county are commonly severe, and Hudson's river freezes so hard a hundred miles to the southward of Albany, as to bear sleds loaded with great burdens. Much snow is very serviceable to the farmers here, not only in protecting their grain from the frost, but in facilitating the transportation of their boards and other produce, to the banks of the river, against the ensuing spring.

ULSTER.

THIS county joins to that of Albany, on the west side of Hudson's river. Its northern extent is fixed at Sawyer's rill : the rivers Delaware and Hudson bound it east and west, and a west line from the mouth of Murderer's creek is its southern limit.

The inhabitants are Dutch, French, English, Scotch, and Irish, but the first and the last are most numerous. The episcopalians in this county are so inconsiderable, that their church is only a mean loghouse. The most considerable town is Kingston, situated about two miles from Hudson's river. It contains about one hundred and fifty houses, mostly of stone, is regularly laid out on a dry level spot, and has a large stone church and court house near the centre. It is thought to resemble Schenectady, but far exceeds it in its elevation : on the north side of the town, the Esopus kill winds through rich and beautiful lawns. The people of Ulster, having long enjoyed an undisturbed tranquility, are some of the most opulent farmers in the whole colony.

This county is most noted for fine flour, beer, and a good breed of draught horses. At the commencement of the range of the Apalachian hills, about ten miles from Hudson's river, is an inexhaustible quarry of mill-

stones, which far exceed those from Colen, in Europe, formerly imported here, and sold at 80*l.* a pair. The Marbletown millstones cost not a fourth part of that sum. This and the counties of Dutchess and Orange abound with limestone, and on the banks of Hudson's river are found great bodies of blue slate.

The principal villages, besides Kingston, are Marbletown, Hurley, Rochester, New-Paltz, and the Wallkill, each of which is surrounded with fine tracts of low land. The militia of Ulster is about fifteen or sixteen hundred men and a company of horse.

ORANGE

COUNTY is divided by a range of mountains, stretching westward from Hudson's river, called the Highlands. On the north side the lands are very broken, but fertile, and inhabited by Scotch, Irish, and English presbyterians. The society's missionary in Ulster preaches here sometimes to a small congregation of the episcopal persuasion, which is the only one in the county. Their villages are Goshen, Bethlehem and Little Britain, all remarkable for producing, in general, the best butter made in the colony. The people on the south side of the mountains are all Dutch : and Orangetown, more commonly called by the Indian name, Tappan, is a small, but very pleasant inland village, with a stone court house and church. The militia consists of about thirteen hundred fighting men.

This county joins to the province of New-Jersey on the south ; and the non settlement of the partition line has been the greatest obstruction to its growth.

There is a very valuable tract, called the drowned lands, on the north side of the mountains, containing

about forty or fifty thousand acres. The waters, which descend from the surrounding hills, being but slowly discharged by the river issuing out of it, cover these vast meadows every winter ; and hence they become extremely fertile. The fires kindled up in the woods, by the deer hunters in autumn, are communicated by the leaves to these meadows, before the waters rise above the channel of the river, and a dreadful devouring conflagration overruns it, consuming the herbage, for several days. The Wallkill river, which runs through this extensive, amphibious tract, if I may use the expression, is, in the spring, stored with eels of uncommon size and plenty, very useful to the farmers residing on its banks. The river is about two chains in breadth, where it leaves the drowned lands, and has a considerable fall. The bottom of it is a broken rock ; and I am informed by Mr. Clinton, a gentleman of ingenuity and a mathematical turn, that the channel might, for less than 2,000*l.* be sufficiently deepened to draw off all the water from the meadows. Some parts near the banks of the upland, have been already redeemed from the floods. These spots are very fertile, and produce English grass, hemp, and Indian corn.

The mountains, in the county of Orange, are clothed thick with timber, and abound with iron ore, ponds, and fine streams for iron works. Goshen is well supplied with white cedar, and in some parts of the woods is found great plenty of black walnut.

Before I proceed to the description of the southern counties, I beg leave to say a few words concerning Hudson's river.

Its source has not, as yet, been discovered. We know, in general, that it is in the mountainous, uninhab-

ited country, between the lakes Ontario and Champlain. In its course southward it approaches the Mohawks' river within a few miles at Saucondauga. From thence it runs north and northeasterly towards lake St. Sacrament, now called lake George, and is not above eight or ten miles distant from it. The course then to New-York is very uniform, being in the main south 12 or 15° west.

The distance from Albany to lake George is computed at sixty-five miles. The river in that interval is navigable only for battoes, and interrupted by rifts, which occasion two portages of half a mile each.* There are three routes from Crownpoint to Hudson's river in the way to Albany; one through lake George, another through a branch of lake Champlain, bearing a southern course, and terminating in a bason, several miles east of lake George, called the South bay. The third is by ascending the Wood creek, a shallow stream about one hundred feet broad, which, coming from the southeast, empties itself into the south branch of the lake Champlain.

The place, where these routes meet, on the banks of Hudson's river, is called the carrying place. Here fort Lyman, since called fort Edward, is built; but fort William Henry, a much stronger garrison, was erected at the south end of lake George, after the repulse of the French forces under the command of baron Dieskau, on the 8th of September, 1755. General Shirley thought it more advisable to strengthen fort Edward in the concurrence of three routes, than to erect the other at lake George, seventeen miles to the northward of it; and

* In the passage from Albany to fort Edward, the whole land carriage is about twelve or thirteen miles.

wrote a very pressing letter upon that head to sir William Johnson, who then commanded the provincial troops.

The banks of Hudson's river are, for the most part, rocky cliffs, especially on the western shore. The passage through the highlands affords a wild romantick scene, for sixteen miles, through steep and lofty mountains. The tide flows a few miles above Albany. The navigation is safe, and performed in sloops of about forty or fifty tons burden, extremely well accommodated to the river. About sixty miles above the city of New-York the water is fresh, and in wet seasons much lower. The river is stored with a variety of fish, which renders a summer's passage to Albany, exceedingly diverting to such as are fond of angling.

The advantages of this river for penetrating into Canada, and protecting the southern colonies from the irruptions of the French, by securing the command of the lakes, and cutting off the communication between the French settlements on St. Lawrence and the Mississippi, though but lately attended to, must be very apparent to every judicious observer of the maps of the inland part of North America.

The French, as appears from the intended invasion, in 1689, have long eyed the English possession of this province with jealousy ; and it becomes us to fall upon every method for its protection and defence.

The singular conveniency of Hudson's river to this province, in particular, was so fully shewn in one of the late papers, published in 1753, under the title of the Independent Reflector, that I cannot help reprinting the passage relating to it.

“ High roads, which, in most trading countries, are extremely expensive, and awake a continual attention for their reparation, demand, from us, comparatively speaking, scarce any publick notice at all. The whole province is contained in two narrow oblongs, extending from the city east and north, having water carriage from the extremity of one, and from the distance of one hundred and sixty miles of the other ; and, by the most accurate calculation, has not, at a medium, above twelve miles of land carriage, throughout its whole extent. This is one of the strongest motives to the settlement of a new country, as it affords the easiest and most speedy conveyance from the remotest distances, and at the lowest expense. The effects of this advantage are greater than we usually observe, and are therefore not sufficiently admired.

“ The province of Pennsylvania, has a fine soil, and, through the importation of Germans, abounds with inhabitants ; but being a vast inland country, its produce must, of consequence, be brought to a market over a great extent of ground, and all by land carriage. Hence it is, that Philadelphia is crouded with waggons, carts, horses, and their drivers : a stranger, at his first entrance, would imagine it to be a place of traffick, beyond any one town in the colonies ; while at New-York, in particular, to which the produce of the country is all brought by water, there is more business, at least, business of profit, though with less show and appearance. Not a boat in our river is navigated with more than two or three men at most ; and these are perpetually coming in from, and returning to, all parts of the adjacent country, in the same employments that fill the city of Philadelphia with some hundreds of men, who, in respect to the pub-

lick advantage, may justly be said to be laboriously idle : for, let any one nicely compute the expense of a waggon, with its tackling ; the time of two men in attending it ; their maintenance ; four horses and the charge of their provender, on a journey of one, though they often come, two hundred miles ; and he will find these several particulars amount to a sum far from being inconsiderable. All this time the New-York farmer is in the course of his proper business, and the unincumbered acquisitions of his calling ; for, at a medium, there is scarce a farmer in the province, that cannot transport the fruits of a year's labour, from the best farm, in three days, at a proper season, to some convenient landing, where the market will be to his satisfaction, and all the wants from the merchant, cheaply supplied : besides which, one boat shall steal into the harbour of New-York, with a lading of more burden and value, than forty waggons, one hundred and sixty horses, and eighty men, into Philadelphia ; and perhaps with less noise, bluster, or show than one.

“ Prodigious is the advantage we have in this article alone, I shall not enter into an abstruse calculation, to evince the exact value of it, in all the lights in which it may be considered ; thus much is certain, that barely on account of our easy carriage, the profits of farming, with us, exceed those in Pennsylvania, at least by thirty per cent. and that difference, in favour of our farmers, is of itself sufficient to enrich them ; while the others find the disadvantage they are exposed to, so heavy, (especially the remote inhabitants of their country) that a bare subsistence is all they can reasonably hope to obtain. Take this province throughout, the expense of transporting a bushel of wheat, is but two pence, for the

distance of one hundred miles ; but the same quantity at the like distance in Pennsylvania, will always exceed us one shilling at least. The proportion between us, in the conveyance of every thing else, is nearly the same. How great, then, are the incumbrances to which they are exposed ! what an immense charge is saved to us ! how sensible must the embarrassments, they are subject to, be to a trading people !”

RICHMOND

COUNTY consists of Staten Island, which lies nine miles southwestward from the city of New-York. It is about eighteen miles long, and at a medium six or seven in breadth. On the south side is a considerable tract of good level land, but the island is, in general, rough, and the hills high. The inhabitants are principally Dutch and French. The former have a church, but the latter, having been long without a minister, resort to an episcopal church in Richmond town, a poor mean village and the only one on the island. The parson of the parish receives 40*l.* per annum, raised by a tax upon the county.

Southward of the main coast of this and the colony of Connecticut, lies Long Island, called, by the Indians, Matowacs, and named, according to an act of assembly in king William’s reign, Nassau. Its length is computed at one hundred and twenty miles, and the mean breadth twelve. The lands on the north and south side are good, but in the middle sandy and barren. The southern shore is fortified against any invasion from the sea by a beach inaccessible to ships, and rarely to be approached, even by the smallest long boats, on account of the surge, which breaks upon it with great fury, even

when the winds are light. The coast east and west admits of regular soundings far into the ocean, and as the lands are, in general, low for several hundred miles, nothing can be more advantageous to our ships, than the high lands of Neversink, near the entrance at the Hook, which are scarce six miles in length, and often seen thirty leagues from the sea. This island affords the finest roads in America, it being very level and but indifferently watered. It is divided into three counties.

KING'S

COUNTY lies opposite to New-York, on the north side of Long Island. The inhabitants are all Dutch, and enjoying a good soil, near our markets, are, generally, in easy circumstances. The county, which is very small, is settled in every part, and contains several pleasant villages, viz. Bushwick, Brooklyn, Bedford, Flatbush, Flatlands, New-Eutrecht, and Gravesend.

QUEEN'S

COUNTY is more extensive, and equally well settled. The principal towns are Jamaica, Hempstead, Flushing, Newtown and Oysterbay. Hempstead plain is a large, level, dry, champaign heath, about sixteen miles long, and six or seven wide, a common land belonging to the towns of Oysterbay and Hempstead. The inhabitants are divided into Dutch and English presbyterians, episcopalians and quakers.

There are but two episcopal missionaries in this county, one settled at Jamaica, and the other at Hempstead : and each of them receives 60*l.* annually, levied upon all the inhabitants.

SUFFOLK

INCLUDES all the eastern part of Long Island, Shelter Island, Fisher's Island, Plumb Island, and the Isle of White. This large county has been long settled, and, except one small episcopal congregation, consists entirely of English presbyterians. Its principal towns are Huntington, Smithtown, Brookhaven, Southampton, Southhold, and Easthampton. The farmers are, for the most part, graziers; and, living very remote from New-York, a great part of their produce is carried to markets in Boston and Rhode Island. The Indians, who were formerly numerous on this island, are now become very inconsiderable. Those that remain, generally bind themselves servants to the English. The whale fishery, on the south side of the island, has declined of late years, through the scarcity of whales, and is now almost entirely neglected.

The Elizabeth islands, Nantucket, Martin's Vineyard, &c. and Pemy Quid, which anciently formed Duke's, and the county of Cornwall, are now under the jurisdiction of Massachusetts Bay. Sir William Phips demanded them of governour Fletcher, in February, 1692-3, not long after the new charter to that province: but the government here was then of opinion that that colony was not entitled to any islands westward of Nantucket.

An estimate of the comparative wealth of our counties may be formed from any of our assessments. In 10,000*l.* part of a 45,000*l.* tax, laid in 1755, the proportions, settled by an act of assembly, stood thus:

New-York,	L3,332 0 0
Albany,	1,060 0 0
King's,	484 0 0

Queen's,	1,000 0 0
Suffolk,	860 0 0
Richmond,	304 0 0
Westchester,	1,000 0 0
Ulster,	860 0 0
Dutchess,	800 0 0
Orange,	300 0 0
	<hr/>
	L10,000 0 0



CHAPTER II.

Of the Inhabitants.

THIS province is not so populous as some have imagined. Scarce a third part of it is under cultivation. The colony of Connecticut, which is vastly inferiour to this in its extent, contains, according to a late authentick enquiry, above 133,000 inhabitants, and has a militia of 27,000 men ; but the militia of New-York, according to the general estimate, does not exceed 18,000. The whole number of souls is computed at 100,000.

Many have been the discouragements to the settlement of this colony. The French and Indian irruptions, to which we have always been exposed, have driven many families into New-Jersey. At home, the British acts for the transportation of felons, have brought all the American colonies into discredit with the industrious and honest poor, both in the kingdoms of Great Britain and Ireland. The mischievous tendency of those laws was shown in a late paper, which it may not be improper to lay before the reader.*

* The Independent Reflector.

“ It is too well known that in pursuance of divers acts of parliament, great numbers of fellows who have forfeited their lives to the publick, for the most atrocious crimes, are annually transported from home to these plantations. Very surprising, one would think, that thieves, burglars, pickpockets, and cut purses, and a herd of the most flagitious banditti upon earth, should be sent as agreeable companions to us ! that the supreme legislature did intend a transportation to America, for a punishment of these villains, I verily believe : but so great is the mistake, that confident I am, they are thereby, on the contrary, highly rewarded. For what, in God’s name, can be more agreeable to a penurious wretch, driven, through necessity, to seek a livelihood by breaking of houses, and robbing upon the king’s highway, than to be saved from the halter, redeemed from the stench of a gaol, and transported, passage free, into a country, where, being unknown, no man can reproach him with his crimes ; where labour is high, a little of which will maintain him ; and where all his expenses will be moderate and low. There is scarce a thief in England that would not rather be transported than hanged. Life in any condition, but that of extreme misery, will be preferred to death. As long, therefore, as there remains this wide door of escape, the number of thieves and robbers at home, will perpetually multiply and their depredations be incessantly reiterated.

“ But the acts were intended for the better peopling the colonies. And will thieves and murderers be conducive to that end ? what advantage can we reap from a colony of unrestrainable renegadoes ? will they exalt the glory of the crown ? or rather, will not the dignity of the most illustrious monarch in the world, be sullied

by a province of subjects so lawless, detestable, and ignominious? can agriculture be promoted, when the *wild boar of the forest breaks down our hedges and pulls up our vines*? will trade flourish, or manufactures be encouraged, where property is made the spoil of such who are too idle to work, and wicked enough to murder and steal?

“ Besides, are we not subjects of the same king, with the people of England; members of the same body politick, and therefore entitled to equal privileges with them? if so, how injurious does it seem to free one part of the dominions from the plagues of mankind, and cast them upon another? should a law be proposed to take the poor of one parish, and billet them upon another, would not all the world, but the parish to be relieved, exclaim against such a project, as iniquitous and absurd? should the numberless villains of London and Westminster be suffered to escape from their prisons, to range at large and depredate any other part of the kingdom, would not every man join with the sufferers, and condemn the measure as hard and unreasonable? and though the hardships upon us, are indeed not equal to those, yet the miseries that flow from laws, by no means intended to prejudice us, are too heavy, not to be felt. But the colonies must be peopled. Agreed: and will the transportation acts ever have that tendency? no, they work the contrary way, and counteract their own design. We want people, 'tis true, but not villains ready, at any time, encouraged by impunity, and habituated upon the slightest occasions, to cut a man's throat, for a small part of his property. The delights of such company, is a noble inducement, indeed, to the honest poor, to convey themselves into a strange coun-

try. Admidst all our plenty, they will have enough to exercise their virtues, and stand in no need of the association of such as will prey upon their property, and gorge themselves with the blood of the adventurers. They came over in search of happiness ; rather than starve, will live any where, and would be glad to be excused from so afflicting an antepart of the torments of hell. In reality, sir, these very laws, though otherwise designed, have turned out, in the end, the most effectual expedients, that the art of man could have contrived, to prevent the settlement of these remote parts of the king's dominions. They have actually taken away almost every encouragement to so laudable a design. I appeal to facts. The body of the English are struck with terror at the thought of coming over to us, not because they have a vast ocean to cross, or leave behind them their friends ; or that the country is new and uncultivated : but from the shocking ideas, the mind must necessarily form of the company of inhuman savages, and the more terrible herd of exiled malefactors. There are thousands of honest men, labouring in Europe, at four pence a day, starving in spite of all their efforts, a dead weight to the respective parishes to which they belong ; who, without any other qualifications than common sense, health, and strength, might accumulate estates among us, as many have done already. These, and not the others, are the men that should be sent over, for the better peopling the plantations. Great Britain and Ireland, in their present circumstances, are overstocked with them ; and he who would immortalize himself, for a lover of mankind, should concert a scheme for the transportation of the industriously honest abroad and the immediate punishment of rogues and plunderers

at home. The pale faced, half clad, meagre, and starved skeletons, that are seen in every village of those kingdoms, call loudly for the patriot's generous aid. The plantations too would thank him for his assistance, in obtaining the repeal of those laws, which, though otherwise intended by the legislature, have so unhappily proved injurious to his own country, and ruinous to us. It is not long since a bill passed the commons for the employment of such criminals in his majesty's docks, as should merit the gallows. The design was good. It is consistent with sound policy, that all those, who have forfeited their liberty and lives to their country, should be compelled to labour the residue of their days in its service. But the scheme was bad, and wisely was the bill rejected by the lords, for this only reason, that it had a natural tendency to discredit the king's yards: the consequences of which must have been prejudicial to the whole nation. Just so ought we to reason in the present case, and we should then soon be brought to conclude, that though peopling the colonies, which was the laudable motive of the legislature, be expedient to the publick; abrogating the transportation laws must be equally necessary."

The bigotry and tyranny of some of our governours, together with the great extent of their grants, may also be considered among the discouragements against the full settlement of the province. Most of these gentlemen, coming over with no other view than to raise their own fortunes, issued extravagant patents, charged with small quitrents, to such as were able to serve them in assembly: and these patentees, being generally men of estates, have rated their lands so exorbitantly high, that very few poor persons could either purchase or lease

them. Add to all these, that the New-England planters have always been disaffected to the Dutch, nor was there, after the surrender, any foreign accession from the Netherlands. The province being thus poorly inhabited, the price of labour became so enormously enhanced, that we have been constrained to import negroes from Africa, who are employed in all kinds of servitude and trades.

English is the most prevailing language among us, but not a little corrupted by the Dutch dialect, which is still so much used, in some counties, that the sheriffs find it difficult to obtain persons sufficiently acquainted with the English tongue, to serve as jurors in the courts of law.

The manners of the people differ, as well as their language. In Suffolk and Queen's county, the first settlers of which were either natives of England, or the immediate descendants of such as began the plantations in the eastern colonies, their customs are similar to those prevailing in the English counties, from whence they originally sprang. In the city of New-York, through our intercourse with Europeans, we follow the London fashions; though, by the time we adopt them, they become disused in England. Our affluence, during the late war, introduced a degree of luxury in tables, dress and furniture, with which we were before unacquainted. But still we are not so gay a people as our neighbours at Boston, and several of the southern colonies. The Dutch counties, in some measure, follow the example of New-York, but still retain many modes peculiar to Hollanders.

The city of New-York consists principally of merchants, shopkeepers, and tradesmen, who sustain the

reputation of honest, punctual and fair dealers. With respect to riches, there is not so great an inequality among us, as is common in Boston, and some other places. Every man of industry and integrity has it in his power to live well, and many are the instances of persons, who came here distressed by their poverty, who now enjoy easy and plentiful fortunes.

New-York is one of the most social places on the continent. The men collect themselves into weekly evening clubs. The ladies, in winter, are frequently entertained either at concerts of musick or assemblies, and make a very good appearance. They are comely, and dress well ; and scarce any of them have distorted shapes. Tinctured with a Dutch education, they manage their families with becoming parsimony, good providence, and singular neatness. The practice of extravagant gaming, common to the fashionable part of the fair sex, in some places, is a vice with which my countrywomen cannot justly be charged. There is nothing they so generally neglect as reading, and, indeed, all the arts for the improvement of the mind, in which, I confess, we have set them the example. They are modest, temperate, and charitable ; naturally sprightly, sensible, and good humoured ; and, by the help of a more elevated education, would possess all the accomplishments desirable in the sex. Our schools are in the lowest order ; the instructors want instruction, and through a long, shameful neglect of all the arts and sciences, our common speech is extremely corrupt ; and the evidences of a bad taste, both as to thought and language, are visible in all our proceedings, publick and private.

The people, both in town and country, are sober, industrious, and hospitable, though intent upon gain. The richer sort keep very plentiful tables, abounding with great varieties of flesh, fish, fowl, and all kinds of vegetables. The common drinks are beer, cider, weak punch, and Madeira wine. For desert, we have fruits in vast plenty, of different kinds and various species.

Gentlemen of estates rarely reside in the country, and hence few or no experiments have yet been made in agriculture. The farms being large, our husbandmen, for that reason, have little recourse to art for manuring and improving their lands; but it is said, that nature has furnished us with sufficient helps, whenever necessity calls us to use them. It is much owing to the disproportion between the number of our inhabitants, and the vast tracts remaining still to be settled, that we have not, as yet, entered upon scarce any other manufactures, than such as are indispensably necessary for our home convenience. Felt making, which is perhaps the most natural of any we could fall upon, was begun some years ago, and hats were exported to the West Indies with great success, till lately prohibited by an act of parliament.

The inhabitants of this colony are in general healthy and robust, taller, but shorter lived, than Europeans, and, both with respect to their minds and bodies, arrive sooner to an age of maturity. Breathing a serene, dry, air, they are more sprightly in their natural tempers than the people of England, and hence instances of suicide are here very uncommon. The history of our diseases belongs to a profession with which I am very little acquainted. Few physicians amongst us are emi-

ment for their skill. Quacks abound like locusts in Egypt, and too many have recommended themselves to a full practice and profitable subsistence. This is the less to be wondered at, as the profession is under no kind of regulation. Loud as the call is, to our shame be it remembered, we have no law to protect the lives of the king's subjects, from the malpractice of pretenders. Any man, at his pleasure, sets up for physician, apothecary, and chirurgeon. No candidates are either examined or licensed, or even sworn to fair practice.* The natural history of this province would of itself furnish a small volume, and therefore I leave this also to such as have capacity and leisure to make useful observations in that curious and entertaining branch of natural philosophy.



CHAPTER III.

Of our Trade.

THE situation of New-York, with respect to foreign markets, for reasons elsewhere assigned, is to be preferred to any of our colonies. It lies in the centre of the British plantations on the continent, has at all times a short, easy access to the ocean, and commands almost the whole trade of Connecticut and New-Jersey, two fertile and well cultivated colonies. The projection of cape Cod into the Atlantick, renders the navigation from the former to Boston, at some seasons, extremely

* The necessity of regulating the practice of physic, and a plan for that purpose, were strongly recommended by the author of the Independent Reflector, in 1753, when the city of New-York alone boasted the honour of having above forty gentlemen of that faculty.

perilous ; and sometimes the coasters are driven off, and compelled to winter in the West Indies. But the conveyance to New-York from the eastward, through the sound, is short, and unexposed to such dangers. Philadelphia receives as little advantage from New-Jersey, as Boston from Connecticut, because the only rivers which roll through that province disembogue not many miles from the very city of New-York. Several attempts have been made to raise Perth Amboy into a trading port ; but hitherto it has proved to be an unfeasible project. New-York, all things considered, has a much better situation, and, were it otherwise, the city has become too rich and considerable, to be eclipsed by any other town in its neighbourhood.

Our merchants are compared to a hive of bees, who industriously gather honey for others....*non vobis mellificatis apes*. The profits of our trade centre chiefly in Great Britain, and, for that reason, methinks, among others, we ought always to receive the generous aid and protection of our mother country. In our traffick with other places, the balance is almost constantly in our favour. Our exports to the West Indies are bread, peas, rye meal, Indian corn, apples, onions, boards, staves, horses, sheep, butter, cheese, pickled oysters, beef, and pork. Flour is also a main article, of which there is shipped about eighty thousand barrels per annum. To preserve the credit of this important branch of our staple, we have a good law, appointing officers to inspect and brand every cask before its exportation. The returns are chiefly rum, sugar, and molasses; except cash from Curacoa, and when mules, from the Spanish main, are ordered to Jamaica, and the Windward Islands, which are generally exchang-

ed for their natural produce, for we receive but little cash from our own islands. The balance against them would be much more in our favour, if the indulgence to our sugar colonies, did not enable them to sell their produce at a higher rate than either the Dutch or French islands.

The Spaniards commonly contract for provisions, with merchants in this and the colony of Pennsylvania, very much to the advantage both of the contractors and the publick, because the returns are wholly in cash. Our wheat, flour, Indian corn, and lumber shipped to Lisbon and Madeira, balance the Madeira wine imported here.

The logwood trade to the bay of Honduras is very considerable, and was pushed by our merchants with great boldness in the most dangerous times. The exportation of flax seed to Ireland is of late very much increased. Between the 9th of December 1755, and the 23d of February following, we shipped off twelve thousand five hundred and twenty-eight hogsheads. In return for this article, linens are imported and bills of exchange drawn in favour of England, to pay for the dry goods we purchase there. Our logwood is remitted to the English merchants for the same purpose.

The fur trade, though very much impaired by the French wiles and encroachments, ought not to be passed over in silence.* The building of Oswego has con-

* It is computed that formerly we exported one hundred and fifty hogsheads of beaver and other fine furs, per annum, and two hundred hogsheads of Indian dressed deer skins, besides those carried from Albany into New-England. Skins undressed are usually shipped to Holland.

duced, more than any thing else, to the preservation of this trade. Peltry of all kinds is purchased with rum, ammunition, blankets, strouds, and wampum, or conque shell bugles. The French fur trade, at Albany, was carried on till the summer, 1755, by the Caghnuaga proselytes ; and in return for their peltry, they received Spanish pieces of eight, and some other articles which the French want to complete their assortment of Indian goods. For the savages prefer the English strouds to theirs, and the French found it their interest to purchase them of us, and transport them to the western Indians on the lakes Erie, Huron, and at the streight of Misilimakinac.

Our importation of dry goods from England is so vastly great, that we are obliged to betake ourselves to all possible arts, to make remittances to the British merchants. It is for this purpose we import cotton from St. Thomas's and Surinam ; lime juice and Nicaragua wood from Curacoa ; and logwood from the bay, &c. and yet it drains us of all the silver and gold we can collect. It is computed that the annual amount of the goods purchased by this colony in Great Britain, is in value not less than 100,000*l.* sterling ; and the sum would be much greater if a stop was put to all clandestine trade. England is, doubtless, entitled to all our superfluities ; because our general interests are closely connected, and her navy is our principal defence. On this account, the trade with Hamburgh and Holland for duck, chequered linen, oznabrigs, cordage, and tea, is certainly, upon the whole, impolitick and unreasonable ; how much soever it may conduce to advance the interest of a few merchants, or this particular colony.

By what measures this contraband trade may be effectually obstructed is hard to determine, though it well deserves the attention of a British parliament. Increasing the number of custom house officers, will be a remedy worse than the disease. Their salaries would be an additional charge upon the publick ; for if we argue from their conduct, we ought not to presume upon their fidelity. The exclusive right of the East India company to import tea, while the colonies purchase it of foreigners thirty per cent. cheaper, must be very prejudicial to the nation. Our people, both in town and country, are shamefully gone into the habit of tea drinking ; and it is supposed we consume of this commodity in value near 10,000*l.* sterling per annum.

Some are of opinion that the fishery of sturgeons, which abound in Hudson's river, might be improved to the great advantage of the colony ; and that, if proper measures were concerted, much profit would arise from ship building and naval stores. It is certain we have timber in vast plenty, oak, white and black pines, fir, locust, red and white mulberry, and cedar ; and perhaps there is no soil on the globe, fitter for the production of hemp than the low lands in the county of Albany. To what I have already said concerning iron ore, a necessary article, I shall add an extract from the Independent Reflector.

“ It is generally believed that this province abounds with a variety of minerals. Of iron, in particular, we have such plenty, as to be excelled by no country in the world, of equal extent. It is a metal of intrinsic value beyond any other, and preferable to the purest gold. The former is converted into numberless forms, for as many indispensable uses ; the latter, for

its portableness and scarcity, is only fit for a medium of trade : but iron is a branch of it, and, I am persuaded, will, one time or other, be one of the most valuable articles of our commerce. Our annual exports to Boston, Rhode Island, and Connecticut, and, since the late act of parliament, to England, are far from being inconsiderable. The bodies of iron ore, in the northern parts of this province, are so many, their quality so good, and their situation so convenient, in respect of wood, water, hearth stone, proper fluxes, and carriage, for furnaces, bloomeries, and forges, that with a little attention, we might very soon rival the Swedes in the produce of this article. If any American attempts in iron works have proved abortive, and disappointed their undertakers, it is not to be imputed either to the quality of the ore, or a defect of conveniences. The want of more workmen, and the villainy of those we generally have, are the only causes to which we must attribute such miscarriages. No man, who has been concerned in them, will disagree with me, if I assert, that from the founder of the furnace to the meanest banksman, or jobber, they are usually low, profligate, drunken, and faithless. And yet, under all the innumerable disadvantages of such instruments, very large estates have, in this way, been raised in some of our colonies. Our success, therefore, in the iron manufactory, is obstructed and discouraged by the want of workmen, and the high price of labour, its necessary consequence, and by these alone ; but 'tis our happiness, that such only being the cause, the means of redress are entirely in our own hands. Nothing more is wanting to open a vast fund of riches to the province, in this branch of trade, than the importation of foreigners. If our merchants and

landed gentlemen could be brought to a coalition in this design, their private interests would not be better advanced by it, than the publick emolument ; the latter, in particular, would thereby vastly improve their lands, increase the number and raise the rents of their tenants. And I cannot but think, that if those gentlemen, who are too inactive to engage in such an enterprise, would only be at the pains of drawing up full representations of their advantages for iron works, and of publishing them, from time to time, in Great Britain, Ireland, Germany, and Sweden ; the province would soon be supplied with a sufficient number of capable workmen in all the branches of that manufactory."

The money used in this province is silver, gold, British halfpence, and bills of credit. To counterfeit either of them is felony without benefit of clergy ; but none, except the latter, and Lyon dollars, are a legal tender. Twelve halfpence, till lately, passed for a shilling ; which being much beyond their value in any of the neighbouring colonies, the assembly, in 1753, resolved to proceed, at their next meeting, after the first of May ensuing, to the consideration of a method for ascertaining their value. A set of gentlemen, in number seventy-two, took the advantage of the discredit that resolve put upon copper halfpence, and on the 22d of December, subscribed a paper, engaging not to receive or pass them, except at the rate of fourteen coppers to a shilling. This gave rise to a mob, for a few days, among the lower class of people ; but some of them being imprisoned, the scheme was carried into execution, and established in every part of the province, without the aid of a law. Our paper bills, which are issued to serve the exigencies of the government, were

at first equal to an ounce of silver, then valued at eight shillings. Before the late Spanish war, silver and gold were in great demand, to make remittances for European goods, and then the bills sunk, an ounce of silver being worth nine shillings and three pence. During the war, the credit of our bills was well supported, partly by the number of prizes taken by our privateers, and the high price of our produce abroad ; and partly by the logwood trade and the depreciation of the New-England paper money, which gave ours a free circulation through the eastern colonies. Since the war, silver has been valued at about nine shillings and two pence an ounce, and is doubtless fixed there, till our imports exceed what we export. To assist his majesty for removing the late encroachments of the French, we have issued 80,000*l.* to be sunk in short periods, by a tax on estates real and personal ; and the whole amount of our paper currency is thought to be about 160,000*l.*

Never was the trade of this province in so flourishing a condition, as at the latter end of the late French war. Above twenty privateers were often out of this port, at a time ; and they were very successful in their captures. Provisions, which are our staple, bore a high price in the West Indies. The French, distressed through a want of them, gladly received our flags of truce, though sometimes they had but one or two prisoners on board, because they were always loaded with flour, beef, pork, and such like commodities. The danger their own vessels were exposed to, induced them to sell their sugars to us at a very low rate. A trade was, at the same time, carried on between Jamaica and the Spanish Main, which opened a fine market to the northern colonies, and the returns were, principally, in cash.

It was generally thought, that if the war had continued the greatest part of the produce of the Spanish and French settlements in the West Indies would have been transported to Great Britain, through some one or other of her colonies ; whence we may fairly argue their prodigious importance.

The provincial laws relating to our trade are not very numerous. Those concerned in them, may have recourse to the late edition of our acts at large, published in 1752 ; and for this reason, I beg to be excused from exhibiting an unentertaining summary of them in this work.



CHAPTER IV.

Of our Religious State.

By the account already given, of the rise and progress of the acts for settling a ministry in four counties, and the observations made concerning our various Christian denominations, I have, in a great measure, anticipated what I at first intended to have ranged under this head.

The principal distinctions among us, are the episcopalians, and the Dutch and English presbyterians ; the two last, together with all the other protestants in the colony, are sometimes (perhaps here improperly) called by the general name of dissenters ; and, compared to them, the episcopalians are, I believe, scarce in the proportion of one to fifteen. Hence partly arises the general discontent on account of the ministry acts ; not so much that the provision made by them is engrossed by the minor sect, as because the body of the people, are

for an equal, universal, toleration of protestants, and utterly averse to any kind of ecclesiastical establishment. The dissenters, though fearless of each other, are all jealous of the episcopal party, being apprehensive that the countenance they may have from home, will foment a lust for dominion, and enable them, in process of time, to subjugate and oppress their fellow subjects. The violent measures of some of our governours have given an alarm to their fears, and if ever any other gentleman, who may be honoured with the chief command of the province, begins to divert himself, by retrenching the privileges and immunities they now enjoy, the confusion of the province will be the unavoidable consequence of his folly. For though his majesty has no other subjects upon whose loyalty he can more firmly depend, yet an abhorrence of persecution, under any of its appearances, is so deeply rooted in the people of this plantation; that as long as they continue their numbers and interest in the assembly, no attempt will probably be made upon the rights of conscience, without endangering the publick repose.

Of the government of the Dutch churches, I have already given an account. As to the episcopal clergy, they are missionaries of the English society for propagating the gospel, and ordinarily ordained by the bishop of London, who, having a commission from the king to exercise ecclesiastical jurisdiction, commonly appoints a clergyman here for his commissary. The ministers are called by the particular churches, and maintained by the voluntary contribution of their auditors and the society's annual allowance, their being no law for tithes.

The English presbyterians are very numerous. Those inhabiting New-York, New-Jersey, Pennsylvania, and the three Delaware counties, are regularly formed, after the manner of the church of Scotland, into consistories or kirk sessions, pre-byteries and synods, and will probably soon join in erecting a general assembly. The clergy are ordained by their fellows, and maintained by their respective congregations. I except those missionaries among the Indians, whose subsistence is paid by the society in Scotland for propagating Christian knowledge. None of the presbyterian churches in this province are incorporated, as is the case of many in New-Jersey. Their judicatories are upon a very proper establishment, for they have no authority by legal sanctions to enforce their decrees. Nor indeed is any religious sect, amongst us, legally invested with powers prejudicial to the common privileges of the rest. The dominion of all our clergy is, as it ought to be, merely spiritual. The episcopalians, however, sometimes pretend, that the ecclesiastical establishment in South Britain extends here ; but the whole body of the dissenters are averse to the doctrine. The point has been disputed with great fervour, and the sum of the arguments against it is contained in a late paper, which I shall lay before the reader, at large, without any additional reflections.

It was published in September, 1753, under the title of the Independent Reflector, and is in these words :

The arguments in support of an ecclesiastical establishment, in this province, impartially considered and refuted :

.....Eripe turpi

Colla iugo : liber, liber sum, dic age. Hor.

Whether the church of England is equally established in the colonies, as in the southern parts of Great Britain, is a question that has often been controverted. Those who hold the affirmative, have drawn a long train of consequences in favour of the episcopalians, taking it for granted that the truth is on their side. The presbyterians, independents, congregationalists, anabaptists, quakers, and all those among us, who, in England, would fall under the general denomination of dissenters, are warm in the negative. I beg leave, therefore, to interpose in the debate ; and, as I promised in the introduction to these papers, to vindicate the religious, as well as civil rights and privileges of my countrymen ; I shall devote this paper to a consideration of so important a point : to which I am the more strongly inclined, because such establishment has often been urged against the scheme I have proposed for the constitution of our college. My opinion is, that the notion of a general religious establishment in this province, is entirely groundless. According to the strict rules of controversy, the *onus probandi*, or the burden of the proof, lies upon those who affirm the position, and it would therefore be sufficient for me barely to deny it. I shall, nevertheless, wave the advantage of this rule of the schools ; and, as becomes an impartial advocate for truth, proceed to state the arguments which are generally urged in support of an establishment. I shall then show their insufficiency, and conclude with the particular reasons upon which my opinion is founded.

They who assert that the church of England is established in this province, never, that I have heard of,

pretended that it owes its establishment to any provincial law of our own making. Nor, indeed, is there the least ground for such a supposition. The acts, that establish a ministry in this, and three other counties, do not affect the whole colony ; and, therefore, can by no means be urged in support of a general establishment. Nor were they originally designed to establish the episcopalians in preference or exclusion of any other protestants in those counties to which they are limited. But as the proposition is, that the establishment of the church of England is equally binding here, as in England ; so, agreeable thereto, the arguments they adduce are the following :

First, That as we are an English colony, the constitutional laws of our mother country, antecedent to the legislature of our own, are binding upon us ; and therefore at the planting of this colony, the English religious establishment immediately took place.

Secondly, That the act, which established the episcopal church in South Britain, previous to the union of England and Scotland, extends to, and equally affects, all the colonies.

These are the only arguments that can be offered with the least plausibility ; and if they are shown to be inconclusive, the position is disproved, and the arguments, of consequence, must be impertinent and groundless. I shall begin with the examination of the first : and here it must be confessed, for undoubted law, that every new colony, till it has a legislature of its own, is, in general, subject to the laws of the country from which it originally sprang. But that all of them, without distinction, are to be supposed binding upon such planters, is neither agreeable to law nor reason. The laws which

they carry with them, and to which they are subject, are such as are absolutely necessary to answer the original intention of our entering into a state of society. Such as are requisite, in their new colony state, for the advancement of their and the general prosperity ; such, without which they will neither be protected in their lives, liberty, or property : and the true reason of their being considered, even subject to such laws, arises from the absolute necessity of their being under some kind of government, their supporting a colony relation and dependence, and the evident fitness of their subjection to the laws of their mother country, with which alone they can be supposed to be acquainted. Even at this day we extend every general act of parliament which we think reasonable and fit for us, though it was neither designed to be a law upon us, nor has words to include us, and has even been enacted long since we had a legislature of our own. This is a practice we have introduced for our conveniency ;* but that the English laws, so far as I have distinguished them, should be binding upon us, antecedent to our having a legislature of our own, is of absolute unavoidable necessity. But no such necessity can be pretended in favour of the introduction of any religious establishment whatsoever ; because, it is evident that different societies do exist with different ecclesiastical laws, or, which is sufficient to my purpose, without such as the English establishment ; and that civil society, as it is antecedent to any ecclesiastical establishments, is in its nature unconnected with them, independent of them, and all social happiness completely attainable without them.

* This practice is very dangerous, and is assuming little less than a legislative authority.

Secondly, To suppose all the laws of England, without distinction, obligatory upon every new colony at its implantation, is absurd, and would effectually prevent the subjects from undertaking so hazardous an adventure. Upon such a supposition a thousand laws will be introduced, inconsistent with the state of a new country, and destructive of the planters. To use the words of the late attorney general, sir Dudley Ryder,* “ It would be acting the part of an unskilful physician, who should prescribe the same dose to every patient, without distinguishing the variety of distempers and constitutions.” According to this doctrine, we are subject to the payment of tithes, ought to have a spiritual court, and impoverished, as the first settlers of the province must have been, they were yet liable to the payment of the land tax. And had this been the sense of our rulers, and their conduct conformable thereto, scarce ever would our colonies have appeared in their present flourishing condition; especially if it be considered that the first settlers of most of them, sought an exemption in these American wilds, from the establishment to which they were subject at home.

Thirdly, If the planters of every new colony carry with them the established religion of the country from whence they migrate; it follows, that if a colony had been planted when the English nation were pagans, the establishment in such colony must be paganism alone: and, in like manner, had this colony been planted while popery was established in England, the religion of papists must have been our established religion; and if it

* Afterward's lord chief justice of the king's bench. These were his words, in an opinion against the extent of the statute of frauds and perjuries.

is our duty to conform to the religion established at home, we are equally bound, against conscience and the Bible, to be pagans, papists, or protestants, according to the particular religion they shall please to adopt. A doctrine that can never be urged, but with a very ill grace indeed, by any protestant minister !

Fourthly, If the church of England is established in this colony, it must either be founded on acts of parliament, or the common law. That it is not established by the first, I shall prove in the sequel ; and that it cannot be established by the common law, appears from the following considerations.

The common law of England, properly defined, consists of those general laws to which the English have been accustomed, from time whereof there is no memory to the contrary : and every law, deriving its validity from such immemorial custom, must be carried back as far as to the reign of Richard I. whose death happened on the 6th of April, 1199. But the present establishment of the church of England was not till the fifth year of queen Anne. And hence it is apparent, that the establishment of the church of England, can never be argued from the common law even in England ; nor could be any part of it, since it depends not for its validity upon custom immemorial. And therefore, though it be admitted, that every English colony is subject to the common law of the realm, it by no means follows, that the church of England is established in the colonies ; because, the common law knows of no such religious establishment, nor considers any religious establishment whatever, as any part of the English constitution. It does, indeed, encourage religion ; but that, and a particular church government, are things entirely different.

I proceed now to a consideration of the second argument insisted on, to prove an episcopal establishment in the colonies, founded on the act which established the church of England, passed in the fifth year of queen Anne, recited and ratified in the act for an union of the two kingdoms of England and Scotland. And that this act does not establish the church of England in the colonies, has been so fully shown by Mr. Hobart,* in his second address to the episcopal separation in New-England, that I shall content myself with an extract from the works of that ingenious gentleman, which, with very little alteration, is as follows :

“ The act we are now disputing about, was made in the fifth year of queen Anne, and is entitled, an act for securing the church of England, as by law established. The occasion of the statute was this : the parliament in Scotland, when treating of an union with England, were apprehensive of its endangering their ecclesiastical establishment. Scotland was to have but a small share in the legislature of Great Britain, but forty-five members in the house of commons, which consists of above five hundred, and but sixteen in the house of lords, which then consisted of near an hundred, and might be increased by the sovereign at pleasure. The Scots, therefore, to prevent having their ecclesiastical establishment repealed in a British parliament, where they might be so easily outvoted by the English members, passed an act, previous to the union, establishing the presbyterian church within the kingdom of Scotland, in perpetuity, and made this act an essential and fundamental part of the union which might not be repealed, or altered by any subsequent British parliament ; and this put the

* A minister of one of the churches at Fairfield, in Connecticut.

English parliament upon passing this act for securing the church of England. Neither of them designed to enlarge the bounds of their ecclesiastical constitution, or extend their establishment farther than it reached before, but only to secure and perpetuate it in its then present extent. This is evident, not only from the occasion of the act, but from the charitable temper the English parliament was under the influence of, when they passed it. The lord North and Grey offered a rider to be added to the bill for an union, viz. That it might not extend to an approbation or acknowledgment of the truth of the presbyterian way of worship, or allowing the religion of the church of Scotland to be, what it is styled, the true protestant religion. But this clause was rejected.—A parliament that would acknowledge the religion of the church of Scotland, to be the true protestant religion, and allow their acts to extend to an approbation of the presbyterian way of worship, though they might think it best to secure and perpetuate the church of England within those bounds, wherein it was before established, can hardly be supposed to have designed to extend it beyond them.

“The title of the act is exactly agreeable to what we have said of the design of it, and of the temper of the parliament that passed it. ’Tis entitled, an act not for enlarging, but for securing the church of England, and that not in the American plantations, but as it is now by law established ; which plainly means no more than to perpetuate it within its ancient boundaries.

“The provision made in the act itself, is well adapted to this design ; for it enacts, that the act of the 13th of Elizabeth, and the act of uniformity, passed in the 13th year of Charles II. and all and singular other acts of

parliament then in force for the establishment and preservation of the church of England, should remain in full force for ever ; and that every succeeding sovereign should, at his coronation, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of England, as by law established, within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick upon Tweed, and the territories thereunto belonging. This act doth not use such expressions, as would have been proper and even necessary, had the design been to have made a new establishment ; but only such as are proper to ratify and confirm an old one. The settlement, which the king is sworn to preserve, is represented as existing previously to the passing this act, and not as made by it. The words of the oath are, to maintain and preserve inviolably the said settlement. If it be asked, what settlement ? The answer must be, a settlement heretofore made and confirmed by certain statutes, which for the greater certainty and security are enumerated in this act, and declared to be unalterable. This is the settlement the king is sworn to preserve, and this settlement has no relation to us in America. For the act, which originally made it, did not reach hither ; and this act, which perpetuates them, does not extend them to us."

It is a mistake to imagine, that the word territories necessarily means these American colonies. "These countries are usually in law, as well as other writings, styled colonies or plantations, and not territories. An instance of this we have in the charter to the society for propagating the gospel in foreign parts." And it is the invariable practice of the legislature, in every act

of parliament, both before and after this act, designed to affect us, to use the words colonies, or plantations. Nor is it to be supposed, that, in so important a matter, words of so direct and broad an intent would have been omitted. "The islands of Jersey and Guernsey were properly territories belonging to the kingdom of England, before the union took place ; and they stand in the same relation to the kingdom of Great Britain since. The church of England was established in these islands, and the legislature intended to perpetuate it in them, as well as in England itself ; so that as these islands were not particularly named in the act, there was occasion to use the word territories, even upon the supposition that they did not design to make the establishment more extensive than it was before this law passed." Further, in order to include the plantations in the word territories, we must suppose it always to mean every other part of the dominions not particularly mentioned in the instrument that uses it, which is a construction that can never be admitted : for, hence it will follow, that those commissions which give the government of a colony, and the territories thereon depending in America (and this is the case of every one of them) extend to all the American colonies, and their governours must of consequence have reciprocal superintendencies ; and should any commission include the word territories generally, unrestricted to America, by the same construction the governour, therein mentioned, might exercise an authority under it, not only in America, but in Africa and the Indies, and even in the kingdom of Ireland, and, perhaps, in the absence of the king, in Great Britain itself. Mr. Hobart goes on, and argues against the es-

tablishment from the light in which the act of union has, ever since it was passed, been considered.

“ Dr. Bisse, bishop of Hereford, (says he) a member of the society, preached the annual sermon, February 21, 1717, ten years after the act of union took place ; and he says, it would have well become the wisdom wherewith that great work (the reformation or establishment of the church of England) was conducted in this kingdom, that this foreign enterprise (the settlement of plantations in America) also should have been carried on by the government in the like regular way. But he owns the government at home did not interpose in the case, or establish any form of religion for us. In truth (says his lordship) the whole was left to the wisdom of the first proprietors, and to the conduct of every private man. He observes, that of late years the civil interest hath been regarded, and the dependence of the colonies, on the imperial crown of the realm, secured : but then, with regard to the religion of the plantations, his lordship acknowledges, that the government itself here at home, sovereign as it is, and invested doubtless with sufficient authority there, hath not thought fit to interpose in this matter, otherwise than in this charitable way : it hath enabled us to ask the benevolence of all good Christians towards the support of missionaries to be sent among them. Thus bishop Bisse thought as I do, and that the act of union nor any other law prior thereto, did extend the establishment to the plantations ; and if the society had not been of the same opinion, they would hardly have printed and dispersed his sermon. Neither did the civil rulers of the nation, who may justly be supposed acquainted with its laws, think the act of union, or any other law, established the church

of England in America. This is plain from the letter of the lords justices to governour Dummer, in the year 1725, almost twenty years after the union, wherein they say, there is no regular establishment of any national or provincial church in these plantations.

“ If it be urged that the king’s commission to the late bishop of London, proves an ecclesiastical establishment here, it is sufficient to answer, that his lordship was remarkable for skill in the laws, so far as they relate to ecclesiastical affairs, as appears from his codex ; and he was of the contrary opinion ; for in his letter to Dr. Colman, of May 24, 1735, he writes thus : my opinion has always been, that the religious state of New England is founded in an equal liberty to all protestants ; none of which can claim the name of a national establishment, or any kind of superiority over the rest. This opinion the bishop gave not only since the act of union, but even seven years after he had received his commission ; and surely it must be admitted that as he had time enough to consider it, so he, of all others, best understood it.” Thus far Mr. Hobart. With respect to the act of union, I beg leave only to subjoin, that it is highly probable the Scotch parliament believed the English intended to establish their church only in England. For in the close of the act, by which they had established the presbyterian church in Scotland, it is declared, in these express words, “ That the parliament of England may provide for the security of the church of England, as they think expedient, to take place within the bounds of the said kingdom of England.” And whatever latitude the word kingdom has in common speech, it, in a legal sense, is limited to England, properly so called, and excludes the plantations.

Nor can we suppose, that the church of England is established in these colonies, by any acts prior to the act of union above considered. For, besides the several opinions, against such supposition, already adduced, it is unreasonable to imagine, that if there was any such establishment, king Charles II. in direct repugnancy thereto, should have made the grant of Pennsylvania, and given equal privileges to all religions in that province, without even excepting the Roman catholicks ; and that the colonies of Rhode Island, Connecticut and the Massachusetts' Bay, should be permitted to make their provincial establishments, in opposition to an antecedent establishment of the church of England, especially as the laws of the Massachusetts' Bay province, are constantly sent home, and the king has the absolute power of repealing every act he should think improper to be continued as a law. Whoever, therefore, considers this, and that the king is sworn to preserve the church of England establishment, must necessarily conclude, that whatever sentiments may obtain among the episcopalians in America, our kings and their councils have always conceived that such establishment could by no means be extended to us. As to Connecticut, all the episcopalians of that colony, and even their ministers, were legally compellable to contribute to an annual tax for the support of the congregational clergy, till of late they were favoured with a law which grants them a privilege of exemption from that iniquitous and unreasonable burden. But whether they are subject to the like unchristian imposition in the other colonies above mentioned, I am not sufficiently acquainted with their laws to determine.”*

* I believe there is no just cause for the complaints transmitted by

The thirteenth number of the Watch Tower published at New-York, in 1755, espouses the same side with the author of the Reflector, adds several new arguments and the opinions of eminent counsel at law, and considers the force of what is advanced by the late Dr Douglass, in favour of his position, that the religious state of the American plantations is an universal toleration of protestants of every denomination.

The clergy of this province are, in general, but indifferently supported : it is true they live easily, but few of them leave any thing to their children. The episcopal missionaries, for enlarging the sphere of their secular business, not many years ago, attempted, by a petition to the late governour Clinton, to engross the privilege of solemnizing all marriages. A great clamour ensued and the attempt was abortive. Before that time the ceremony was even performed by justices of the peace, and the judges at law have determined such marriages to be legal. The governour's licenses now run to "all protestant ministers of the gospel." Whether the justices act still, when the bans are published in our churches, which is customary only with the poor, I have not been informed. Marriage in a new country ought to have the highest encouragements, and it is on this account, perhaps, that we have no provincial law against such as are clandestine, though they often happen, and, in some cases, are attended with consequences equally melancholy and mischievous.

the missionaries. Dr. Douglass assigns several instances of gross misrepresentations and falsehoods. Vid. his Summary. 2d vol. p 139. Boston ed. 1753, and the Watch Tower, No. xli. published at New-York, in 1753.

As to the number of our clergymen, it is large enough at present, there being but few settlements unsupplied with a ministry, and some superabound. In matters of religion we are not so intelligent, in general, as the inhabitants of the New-England colonies; but both in this respect and good morals, we certainly have the advantage of the southern provinces. One of the king's instructions to our governours, recommends the investigation of means for the conversion of negroes and Indians. An attention to both, especially the latter, has been too little regarded. If the missionaries of the English society for propagating the gospel, instead of being seated in opulent Christianized towns, had been sent out to preach among the savages, unspeakable political advantages would have flowed from such a salutary measure. Dr. Douglass, a sensible, immethodical writer, often incorrect, expects too much;* besides, he treats the missionaries with rudeness and contempt, and lashes their indolence with unmerciful acrimony.



CHAPTER V.

The Political State.

THIS colony, as a part of the king's dominions, is subject to the controul of the British parliament; but its more immediate government is vested in a governor, council and general assembly.

* "Our young missionaries may procure a perpetual alliance and commercial advantages with the Indians, which the Roman catholick clergy cannot do, because they are forbid to marry. I mean our missionaries may intermarry with the daughters of the sachems and other considerable Indians, and their progeny will for ever be a certain cement between us and the Indians." Dougl. Sum. &c. vol. ii. p. 138, Boston ed. 1753.

The governours in chief, who are always appointed by the king's commission, under the great seal of Great Britain, enjoy a vast plenitude of power, as may be seen in their patents, which are nearly the same. The following is a copy of that to the late sir Danvers Osborn.

GEORGE the second by the grace of God of Great Britain France and Ireland king defender of the faith and so forth. To our trusty and well beloved sir Danvers Osborn baronet greeting Whereas we did by our letters patent under our great seal of Great Britain bearing date at Westminster the third day of July, in the fifteenth year of our reign constitute and appoint the honourable George Clinton esq. captain general and governour in chief in and over our province of New-York and the territories depending thereon in America for and during our will and pleasure as by the said recited letters patent (relation being thereunto had) may more fully and at large appear now know you that we have revoked and determined and by these presents do revoke and determine the said recited letters patent and every clause article and thing therein contained and further know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said sir Danvers Osborn of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint you the said sir Danvers Osborn to be our captain general and governour in chief in and over our province of New-York and the territories depending thereon in America and we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust we have reposed in you according to the several powers and directions granted or appointed you by

this present commission and the instructions herewith given you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our privy council and according to such reasonable laws and statutes as now are in force or hereafter shall be made and agreed upon by you with the advice and consent of our council and the assembly of our said province under your government in such manner and form as is hereafter expressed and our will and pleasure is that you the said sir Danvers Osborn after the publication of these our letters patent do in the first place take the oaths appointed to be taken by an act passed in the first year of our late royal father's reign entitled an act for the further security of his majesty's person and government and the succession of the crown in the heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors as also that you make and subscribe the declaration mentioned in an act of parliament made in the twenty-fifth year of the reign of king Charles the second intituled an act for preventing dangers which may happen from popish recusants and likewise that you take the usual oath for the due execution of the office and trust of our captain general and governour in chief in and over our said province of New-York and the territories depending thereon for the due and impartial administration of justice and further that you take the oath required to be taken by governours of plantations to do their utmost that the several laws relating to trade and the plantations be observed which said oaths and declaration our council in our said province or any three of the

members thereof have hereby full power and authority and are required to tender and administer unto you and in your absence to our lieutenant governour if there be any upon the place all which being duly performed you shall administer unto each of the members of our said council as also to our lieutenant governour if there be any upon the place the oaths mentioned in the said act entituled an act for the further security of his majesty's person and government and the succession of the crown in the heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors as also to cause them to make and subscribe the aforementioned declaration and to administer to them the oath for the due execution of their places and trusts. And we do hereby give and grant unto you full power and authority to suspend any of the members of our said council from sitting voting and assisting therein if you shall find just cause for so doing and if there shall be any lieutenant governour him likewise to suspend from the execution of his command and to appoint another in his stead until our pleasure be known and if it shall at any time happen that by the death departure out of our said province or suspension of any of our said councillors or otherwise there shall be a vacancy in our said council (any three whereof we do hereby appoint to be a quorum) our will and pleasure is that you signify the same unto us by the first opportunity that we may under our signet and sign manual constitute and appoint others in their stead but that our affairs may not suffer at that distance for want of a due number of councillors if ever it should happen that there be less than seven of them residing in our said province we do hereby give and

grant unto you the said sir Danvers Osborn full power and authority to chuse as many persons out of the principal freeholders inhabitants thereof as will make up the full number of our said council to be seven and no more which persons so chosen and appointed by you shall be to all intents and purposes councillors in our said province until either they shall be confirmed by us or that by the nomination of others by us under our sign manual and signet our said council shall have seven or more persons in it. And we do hereby give and grant unto you full power and authority with the advice and consent of our said council from time to time as need shall require to summon and call general assemblies of the said freeholders and planters within your government according to the usage of our province of New-York. And our will and pleasure is that the persons thereupon duly elected by the major part of the freeholders of the respective counties and places and so returned shall before their sitting take the oaths mentioned in the said act entitled (an act for the further security of his majesty's person and government and the succession to the crown in the heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret abettors) as also make and subscribe the aforementioned declaration (which oaths and declarations you shall commissionate fit persons under our seal of New-York to tender and administer unto them) and until the same shall be so taken and subscribed no person shall be capable of sitting though elected and we do hereby declare that the persons so elected and qualified shall be called and deemed the general assembly of that our province and the territories depending thereon and

you the said sir Danvers Osborn by and with the consent of our said council and assembly or the major part of them respectively shall have full power and authority to make constitute and ordain laws statutes and ordinances for the publick peace welfare and good government of our said province and of the people and inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors which said laws statutes and ordinances are not to be repugnant but as near as may be agreeable to the laws and statutes of this our kingdom of Great Britain provided that all such laws statutes and ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted unto us under our seal of New-York for our approbation or disallowance of the same as also duplicates thereof by the next conveyance and in case any or all of the said laws statutes and ordinances being not before confirmed by us shall at any time be disallowed and not approved and so signified by us our heirs or successors under our or their sign manual and signet or by order of our or their privy council unto you the said sir Danvers Osborn or to the commander in chief of our said province for the time being then such and so many of the said laws statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our said council or assembly to the prejudice of us our heirs or successors we will and ordain that you the said sir Danvers Osborn shall have and enjoy a negative voice in the making and passing of all laws

statutes and ordinances as aforesaid and you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all general assemblies as aforesaid. And our further will and pleasure is that you shall and may use and keep the publick seal of our said province of New-York for sealing all things whatsoever that pass the great seal of our said province under your government And we do further give and grant unto you the said sir Danvers Osborn full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the aforementioned oaths to all and every such person and persons as you shall think fit who shall at any time or times pass into our said province or shall be resident or abiding there. And we do further by these presents give and grant unto you the said sir Danvers Osborn full power and authority with the advice and consent of our said council to erect constitute and establish such and so many courts of judicature and publick justice within our said province under your government as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as civil according to law and equity and for awarding execution thereupon with all reasonable and necessary powers authorities fees and privileges belonging thereunto as also to appoint and commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid act entitled an act for the further security of his majesty's person and government and the succession of the crown in the heirs of the late princess Sophia being protestants and for extinguishing the hopes of the pretended prince of

Wales and his open and secret abettors as also to tender and administer the aforesaid declaration unto such persons belonging to the said courts as shall be obliged to take the same And we do hereby authorize and empower you to constitute and appoint judges and in cases requisite commissioners of oyer and terminer justices of the peace and other necessary officers and ministers in our said province for the better administration of justice and putting the laws in execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial causes And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures (treason and wilful murder only excepted) in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our royal pleasure may be known therein. And we do by these presents authorize and empower you to collate any person or persons to any churches chapels or other ecclesiastical benefices within our said province and territories aforesaid as often as any of them shall happen to be void. And we do hereby give and grant unto you the said sir Danvers Osborn by yourself or by your captains and commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said province of New-York and other the territories under your government

and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at sea and land and to transport such forces to any of our plantations in America if necessity shall require for the defence of the same against the invasions or attempts of any of our enemies and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said province and plantations or any of them and if it shall so please God, them to vanquish, apprehend and take and being taken either according to law to put to death or keep and preserve alive at your discretion and to execute martial law in time of invasion or other times when by law it may be executed and to do and execute all and every other thing and things which to our captain general and governour in chief doth or ought of right to belong and we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect raise and build in our said province of New-York and the territories depending thereon such and so many forts and platforms, castles, cities, boroughs, towns and fortifications as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with ordnance, ammunition and all sorts of arms fit and necessary for the security and defence of our said province and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient and forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and

ordered we do hereby give and grant unto you the said sir Danvers Osborn full power and authority to constitute and appoint captains lieutenants masters of ships and other commanders and officers and to grant to such captains lieutenants masters of ships and other commanders and officers commissions to execute the law martial during the time of war according to the directions of the two acts the one passed in the thirteenth year of the reign of king Charles the second entituled an act for the establishing articles and orders for the regulating and better government of his majesty's navies ships of war and forces by sea and the other passed in the eighteenth year of our reign entituled an act for the further regulating and better government of his majesty's navies ships of war and forces by sea and for regulating proceedings upon courts martial in the sea service and to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said province and territories as the case shall be found to require according to the martial law and the said direction during the time of war as aforesaid provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offences cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said province and territories under your government by any captain commander lieutenant master officer seaman soldier or other person whatsoever who shall be in our actual service and pay in or on board any of

our ships of war or other vessels acting by immediate commission or warrant from our commissioners for executing the office of our high admiral or from our high admiral of Great Britain for the time being under the seal of our admiralty but that such captain commander lieutenant master officer seaman soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require either by commission under our great seal of Great Britain as the statute of the twenty-eighth of Henry the eighth directs or by commission from our said commissioners for executing the office of our high admiral or from our high admiral of Great Britain for the time being according to the aforementioned acts. Provided nevertheless that all disorders and misdemeanors committed on shore by any captain commander lieutenant master officer seaman soldier or other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our said commissioners for executing the office of our high admiral or from our high admiral of Great Britain for the time being under the seal of our admiralty may be tried and punished according to the laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offenders be in our actual service and born in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our said commissioners for executing the office of our high admiral or from our high admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our

service at sea. And our further will and pleasure is that all publick monies raised or which shall be raised by any act to be hereafter made within our said province and other the territories depending thereon be issued out by warrant from you by and with the advice and consent of our council and disposed of by you for the support of the government and not otherwise and we do hereby likewise give and grant unto you full power and authority by and with the advice and consent of our said council to settle and agree with the inhabitants of our province and territories aforesaid for such lands tenements and hereditaments as now are or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quitrents services and acknowledgments to be thereupon reserved unto us as you by and with the advice aforesaid shall think fit which said grants are to pass and be sealed by our seal of New-York and being entered upon record by such officer or officers as are or shall be appointed thereunto shall be good and effectual in the law against us our heirs and successors and we do hereby give you the said sir Danvers Osborn full power to order and appoint fairs marts and markets as also such and so many ports harbours bays havens and other places for the convenience and security of shipping and for the better loading and unloading of goods and merchandizes as by you with the advice and consent of our said council shall be thought fit and necessary and we do hereby require and command all officers and ministers civil military and all other inhabitants of our said province and territories depending thereon to be obedient aiding and assisting unto you the said sir Danvers Osborn in the

execution of this our commission and the powers and authorities herein contained and in case of your death or absence out of our said province and territories depending thereon to be obedient aiding and assisting unto such person as shall be appointed by us to be our lieutenant governour or commander in chief of our said province to whom we do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said province and territories and if upon your death or absence out of our said province and territories depending thereon there be no person upon the place commissioned or appointed by us to be our lieutenant governour or commander in chief of our said province our will and pleasure is that the eldest counsellor whose name is first placed in our said instructions to you and who shall at the time of your death or absence be residing within our said province of New-York shall take upon him the administration of the government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our governour and commander in chief of our said province should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein and we do hereby declare ordain and appoint that you the said sir Danvers Osborn shall and may hold execute and enjoy the office and place of our captain general and governour in chief in and over our province of New-York and the territories depending thereon together with all and singular the powers and authorities hereby granted unto you for and during our

will and pleasure. And whereas there are divers colonies adjoining to our province of New-York for the defence and security whereof it is requisite that due care be taken in time of war we have therefore thought it necessary for our service and for the better protection and security of our subjects inhabiting those parts to constitute and appoint and we do by these presents constitute and appoint you the said sir Danvers Osborn to be our captain general and commander in chief of the militia and of all the forces by sea and land within our colony of Connecticut and of all our forts and places of strength within the same and for the better ordering governing and ruling our said militia and all our forces forts and places of strength within our said colony of Connecticut we do hereby give and grant unto you the said sir Danvers Osborn and in your absence to our commander in chief of our province of New-York all and every the like powers as in these presents are before granted and recited for the ruling governing and ordering our militia and all our forces forts and places of strength within our province of New-York to be exercised by you the said sir Danvers Osborn and in your absence from our territories and dominion of New-York by our commander in chief of our province of New-York within our said colony of Connecticut for and during our pleasure In witness whereof we have caused these our letters to be made patent witness ourself at Westminster the first day of August in the twenty-seventh year of our reign.

By writ of privy seal,

YORKE and YORKE.

The instructions received with the commission, are explanatory of the patent, and regulate the governour's conduct on almost every common contingency.*

The salary, generally granted to the governour by the instructions, is 1,200*l.* sterling out of the revenue here ; but that being an insufficient fund, the assembly, in lieu of it, give him annually 1,560*l.* currency. The perquisites perhaps amount to as much more.

This office was formerly very lucrative, but becomes daily less considerable, because almost all the valuable tracts of land are already taken up.

The council, when full, consists of twelve members, appointed by the king's mandamus and sign manual. All their privileges and powers are contained in the instructions. They are a privy council to the governour in acts of civil government ; and take the same oath administered to the king's council in England. The tenure of their places is extremely precarious, and yet their influence upon the publick measures very considerable. In the grant of all patents the governour is bound to consult them, and regularly they cannot pass the seal without their advice.

They enjoy a legislative power, as the lords do in parliament ; and exercise also judicial authority upon writs of error and appeals. They are convened by the governour ; and he is always present when they sit as a court or privy council, which is ordinarily at the fort. In their legislative capacity, they meet without the governour, and always at the city hall. They sit according to their seniority, and the eldest member present is

* The instructions are, in number, above a hundred, and never recorded. They are changeable at the king's pleasure, but rarely undergo any very considerable alteration.

speaker of their house. In a committee the chairman has no voice. They cannot vote by proxy, but have the privilege of entering their dissent, and the reasons at large, on their minutes. Their proceedings are very formal, and in many respects they imitate the example of the lords. Their messages to the assembly are carried by one of their own members, and the house always rises at his entrance and receives them standing. The council never publish their legislative minutes; but the assembly always print their own votes; nor do either of these houses permit strangers to be present at their conventions.

A counsellor's title is 'the honourable.' They serve his majesty without salaries. The business of the privy council board is of late very much increased, and never had so great weight in the colony as at present; which is much owing to the king's calling lawyers of reputation to the assistance of his governours. The present members are the honourable

Cadwallader Colden,	Joseph Murray,
Archibald Kennedy,	John Rutherford,
James De Lancey,* lieu-	Edward Holland,
tenant governour,	Sir Wm. Johnson, bart.
Daniel Horsmanden,	John Chambers,
George Clarke, jun.	William Smith.

The business in council daily increases, and is now become very burdensome, being entirely transacted by a few members. Mr. Colden resides in the country; Mr. Clarke in England; Mr. Rutherford, being an of-

* The office of lieutenant governour requires no service, except on the death or in the absence of the governour in chief. It gives no rank in council, nor is there any salary annexed to it.

ficer, moves with the army, and sir William Johnson has his residence in the western part of the county of Albany.

The general assembly consists of twenty-seven representatives, chosen by the people, in pursuance of a writ of summons issued by the governour.

At the day appointed for their appearance, such as are elected, convene themselves at the assembly chamber, in the city of New-York; and, by the clerk of the house, inform the governour of their meeting. If they are above thirteen in number, some persons, (generally the judges of the supreme court) are sent to the assembly chamber, empowered by a commission to take their oaths and subscriptions. They are then called before his excellency, who recommends their choice of a speaker. For that purpose they again retire, and conduct the person they elect into the chair, which is seated at the upper end of a long table. After that he is presented to his excellency in the council chamber; and upon his approbation of their choice, which is of course, the speaker addresses himself to the governour, and, in behalf of the house, prays, "that their words and actions may have a favourable construction, that the members may have free access to him, and they and their servants be privileged with a freedom from arrests." The governour, after promising these things on his part, reads his speech to both houses; and, at the request of the speaker, delivers a copy for the use of the assembly.

I need not enlarge upon the customs of the general assembly, for they take the practice of the British house of commons for their model, and vary from them in but very few instances. Money bills are not returned to

them by the council board, as the lords do to the commons; and yet the reasons for this practice are much stronger here than at home. When the governour passes the bills sent up to him, both houses are present in the council chamber. It is then customary for him to ask the advice of his council with respect to every bill and he signs them at the foot after these words, "I assent to this bill, enacting the same, and order it to be enrolled." After that the acts are published in the open street, near the city hall; his excellency and the two houses being present.

The daily wages of the representatives, as regulated by sundry acts of assembly, are annexed to the following list of the present members of the house.

For the city and county of NEW-YORK.

Paul Richard, Henry Cruger, William Walton, John Watts, esqrs. each 6s. per diem.

City and County of ALBANY.

Peter Winne, Peter Douw, esqrs. 10s. per diem.

WESTCHESTER County.

John Thomas, Frederick Philispe, esqrs. 6s. per diem.

SUFFOLK County.

Eleazer Miller, William Nicoll, esqrs. 9s. per diem.

QUEEN'S County.

David Jones, Thomas Cornel, esqrs. 6s. per diem.

KING'S County.

Johannes Lott, Dominicus Vanderveer, esqrs. 6s. per diem.

ULSTER County.

Johannes Jansen, Moses De Pew, jun. esqrs. 6s. per diem.

RICHMOND County.

William Walton, Benj. Seaman, esqrs. 6s. per diem.

DUTCHESS County.

Henry Beekman, Henry Filkin, esqrs. 6s. per diem.

ORANGE County.

Theodorus Snediker, Samuel Gale, esqrs. 6s. per diem.

Borough of WESTCHESTER.

Peter De Lancey, esq. 10s. per diem.

Township of SCHENECTADY.

Jacobus Mynderse, esq. 10s. per diem.

Manor of RENSLAERWYCK.

John B. V. Renslaer, esq. 10s. per diem.

Manor of LIVINGSTON.

Robert Livingston, jun. esq. 10s. per diem.

Manor of COURTLANDT.

Philip Ver Plank, esq. 6s. per diem.

The continuance of our assemblies was unlimited, till the political struggles, which took rise in Mr. Cosby's administration, forced Mr. Clarke, who succeeded him, to pass the act restricting them to three years; but this was repealed by the king, and a septennial law enacted soon after the arrival of governour Clinton, which is still in full force.

No colony, upon the continent, has formerly suffered more than ours, in the opinion of the king's ministers. This has been owing to the ill impressions made by our governours, who are scarce ever disengaged from disputes with the lower house. Our representatives, agreeable to the general sense of their constituents, are tenacious in their opinion that the inhabitants of this colony are entitled to all the privileges of Englishmen; that they have a right to participate in the legislative power, and that the session of assemblies here, is wisely substituted instead of a representation in parliament, which, all things considered, would, at this remote dis-

tance, be extremely inconvenient and dangerous. The governours, on the other hand, in general, entertain political sentiments of a quite different nature. All the immunities we enjoy, according to them, not only flow from, but absolutely depend upon, the mere grace and will of the crown.* It is easy to conceive that contentions must naturally attend such a contradiction of sentiments. Most of our disputes, however, relate to the support of government. Before lord Cornbury's embezzlements, the revenue was established for a long period, but afterwards reduced to a few years. The violent measures, in Mr. Cosby's time, led the assembly to the scheme of an annual provision. These are the words of that much famed address of the house, to lieutenant governour Clarke, on the 8th of September, 1737, previous to the change.

“The true causes of the deficiency of the revenue, we believe, are too well known to your honour, to make it necessary for us to say much on that head. Had the

* “We are no more than a little corporation. I would advise these gentlemen [assemblies] for the future, to drop those parliamentary airs and style about liberty and property, and keep within their sphere, and make the best use they can of his majesty's instructions and commission; because it would be high treason to sit and act without it. This is our charter. If we abuse or make a wicked use of his majesty's favours, we are, of them, but tenants at will: we only hold them during pleasure and good behaviour.” These are the accurate and bright thoughts of the gentleman who published a pamphlet, entitled “an essay on the government of the colonies,” in 1752. Sir William Jones, attorney general to James II. was of a very different opinion. For he told the king, “that he could no more grant a commission to levy money on his subjects in the plantations, without their consent by an assembly, than they could discharge themselves from their allegiance.” *Life of sir William Phips*, p. 23.

conspicuous loyalty of the inhabitants of this province met with a suitable treatment in return : it is not unlikely, but we should now be weak enough to act like others before us, in being lavish beyond our abilities, and raising sums unnecessary to be given ; and continued the donation, like them, for a longer time than what was convenient for the safety of the inhabitants : but experience has shown the imprudence of such a conduct, and the miserable condition to which the province is reduced, renders the raising of large sums very difficult, if not impracticable. We therefore beg leave to be plain with your honour, and hope you will not take it amiss, when we tell you, that you are not to expect that we either will raise sums unfit to be raised ; or put what we shall raise into the power of a governour to misapply, if we can prevent it ; nor shall we make up any other deficiencies, than what we conceive are fit and just to be paid ; or continue what support or revenue we shall raise for any longer time than one year. Nor do we think it convenient to do even that, until such laws are passed, as we conceive necessary for the safety of the inhabitants of this colony, who have reposed a trust in us for that only purpose ; and which we are sure you will think it reasonable we should act agreeable to, and by the grace of God we will endeavour not to deceive them."

The sentiments of this address still prevail among the people, and therefore the success of the present solicitations, for a permanent, indefinite, support, will probably be in vain.

The matter has been often litigated with great fervency on both sides, and the example of the British parliament urged as a precedent for our imitation. To

this it is answered, that the particular state of this province differs so widely from that of their mother country, that we ought not in this respect to follow the custom of the commons. Our constitution, as some observe, is so imperfect, in numberless instances, that the rights of the people lie, even now, at the mere mercy of their governours ; and granting a perpetual support, it is thought, would be in reality little less than the loss of every thing dear to them.

It must be confessed that many plausible arguments may be assigned, in support of the jealousy of the house. A governour has numberless opportunities, not proper to be mentioned, for invading the rights of the people, and insuperable difficulties would necessarily attend all the means of redress.

By gradual advances, at seasonable junctures, we might have introduced such amendments, as would, at this day, have established a sound and well fortified political frame ; but through our utter neglect of education, the ancient assemblies consisted of plain, illiterate husbandmen, whose views seldom extended farther than to the regulation of highways, the destruction of wolves, wild cats, and foxes, and the advancement of the other little interests of the particular counties which they were chosen to represent.



CHAPTER VI.

Of our Laws and Courts.

THE state of our laws opens a door to much controversy. The uncertainty, with respect to them, renders property precarious, and greatly exposes us to the ar-

bitrary decisions of bad judges. The common law of England is generally received, together with such statutes as were enacted before we had a legislature of our own. But our courts exercise a sovereign authority in determining what parts of the common and statute law ought to be extended ; for, it must be admitted, that the difference of circumstances necessarily requires us, in some cases, to reject the determinations of both. In many instances they have also extended, as I have elsewhere observed, even acts of parliament, passed since we have had a distinct legislation, which is adding greatly to our confusion. The practice of our courts is not less uncertain than the law. Some of the English rules are adopted and others rejected. Two things, therefore, seem to be absolutely necessary for the public security :

First, The passing an act for settling the extent of English laws. And,

Secondly, That the courts ordain a general set of rules for the regulation of the practice.

To give a particular account of our laws, civil and criminal, cannot be expected in this work. All lands are held of the crown by soccage tenure, as those of East Greenwich, at home, in the county of Kent ; and the manner of obtaining a title to such as are vacant, or in possession of the Indians, is this :

Formerly the custom was to apply to the governour in council, for a license to purchase lands of the natives in his majesty's name. A deed was then privately obtained from the Indian proprietors to the king, and annexed to a second petition to the governour, for a warrant to the surveyor general, to make a survey of the quantity purchased. Another warrant, upon the return of the survey, was then issued to the attorney ge-

neral, to prepare a draught of the patent ; which being transmitted to the secretary's office, was then engrossed upon parchment, and the great seal affixed to it by the governour.

In these surveys and deeds, more lands were often included than the Indians intended to sell ; and these frauds being frequently complained of, an order was made by the governour and council, in 1736, that thenceforth no Indian deed should be taken until the land proposed to be granted was actually surveyed by the surveyor general, or one of his deputies, in the presence of the Indian proprietors ; that the bounds of the tract should be then entered in the deed, and a certificate endorsed that they are agreeable to the survey, and that he saw the consideration money or goods, *bona fide*, delivered to the vendors.

The patenting of lands, has long been, and still continues to be, very expensive.

Our law judicatories are numerous ; I begin with the lowest.

OF THE JUSTICES' COURT. Justices of the peace are appointed by commission from the governours, who, to serve their purposes in elections, sometimes grant, as it is called, the administration to particular favourites in each county, which is the nomination of officers civil and military ; and, by these means, the justices have been astonishingly multiplied. There are instances of some who can neither write nor read.* These genii,

* Lord Bacon's observation, that there are many who count it a credit to be burdened with the office of a justice of the peace, is very applicable to us. Bacon's works, fol. vol. ii. p. 151. The statute of 38 Hen. VIII. limited the number of justices to eight in a county.

besides their ordinary powers, are by acts of assembly enabled to hold courts for the determination of small causes of five pounds and under ; but the parties are privileged, if they choose it, with a jury of six men. The proceedings are in a summary way, and the conduct of the justices has given just cause to innumerable complaints. The justices have also a jurisdiction with respect to crimes under the degree of grand larceny. For any three of them (one being of the quorum) may try the criminal, without a jury, and inflict punishments not extending to life or limb.

THE SESSIONS AND COURT OF COMMON PLEAS. The court of common pleas takes cognizance of all causes where the matter in demand is in value above five pounds. It is established by an ordinance of the governour in council. The judges are ordinarily three, and hold their offices during pleasure. Through the infancy of the country, few, if any of them, are acquainted with the law. The practice of these courts is similar to that of the common bench at Westminster. They have each a clerk commissioned by the governour, who issues their writs, enters their minutes, and keeps the records of the county. They are held twice every year. These judges, together with some of the justices, hold, at the same time, a court of general sessions of the peace.

THE SUPREME COURT. The jurisdiction of this court extends through the whole province, and its powers are very great. For it takes cognizance of all causes civil and criminal, as fully as the king's bench and common pleas at Westminster. In civil controversies, the value of the sum demanded must exceed twenty pounds. This court has four terms in a year, and always sits at New-

York.* The judges, for many years past, have been but three. The chief justice has ten shillings, as a perquisite, upon the first motion in every cause, together with an annual allowance of 300*l*. The second and third justices have also yearly appointments, too inconsiderable to be worth mentioning. They hold their offices by separate commissions under the great seal of the province, which were formerly during pleasure, but of late *quam diu se bene gesserint*.†

The supreme court was, at first, established by several laws of the province ; but the terms were, afterwards, directed by an ordinance of the governour and council, which is alterable at pleasure.

Whether this court has a right to determine causes in a course of equity, was a question much litigated, during the troubles in the several administrations of Mr. Cosby and Mr. Clarke. Colonel Morris, afterwards governour of New-Jersey, sat then as chief justice upon the bench, and delivered a long, argumentative, opinion in the negative.‡ The people were, in general, on that

* The terms commence on the third Tuesdays in January, April and October, and on the last in July. The first and last continue five days, and the two other terms ten.

† Prosecutions, by information, are often commenced in the supreme court by order of the governour and council, and criminals sometimes committed by their warrants ; for which reason some are of opinion that the judges ought not to be members of that board, which is frequently the case.

‡ See the printed opinion, and the arguments of messieurs Alexander and Smith, for the defendant, Van Dam, adversus the attorney general ; in support of a plea to the jurisdiction of the supreme court, on a bill filed there for governour Cosby in a course of equity. New-York printed by John P. Zenger, 1733.

side, and the exchequer court bell scarce ever rung, but the city was all in confusion. Petitions against the court, from several parts of the province, came up to the assembly, who desired to hear counsel; and accordingly Mr. Smith and Mr. Murray, delivered their opinions at their request, both which were afterwards printed by their order. The former, who spoke first, urged numerous authorities, to prove that no court of equity could be legally established except by prescription or an act of the legislature, and concluded with these words—" 'Tis with the greatest submission that I tender my opinion upon these points.—I have said nothing with a design to offend any man, nor have I omitted saying any thing that I thought might tend to the publick good. *Liberavi animam meam.* I have endeavoured to discharge the trust, and support the character, with which this house has honoured me. You have my sincere and real sentiments. If I have erred in any thing, it has been unwillingly. I am heartily a friend to this colony, and earnestly wish its prosperity. I have no interest in the points in question, but what are common to all the freemen of this province. I profess the greatest veneration for the laws of my country, and am glad of every opportunity to do them publick honour. They place our liberties upon the firmest basis, and put our properties under the surest protection. I rejoice in the security that we have of a long enjoyment of them by the settlement of the succession in the house of Hanover.—'Tis the excellency of our constitution, and the glory of our princes, that they are sovereign over freemen, and not slaves. 'Tis the misery of an arbitrary government that a man can enjoy nothing under it, that he can call his own. Life, liberty, and

property, are not his, but all at the will and disposal of his tyrannical owner. I don't wonder that our ancestors have been always so jealous of their liberties: how oft have they bravely fought, and nobly died, in the defence of them? we have received our liberties and our laws, as an inheritance transmitted to us in the blood of our fathers. How highly therefore should we prize and value them! and what care should we take, that we and our posterity may enjoy them in their full extent? If this be our happy case, we shall sit under our own vines and our own fig trees, and none will make us afraid. We shall see our country flourish, and ourselves a happy people. But if an arbitrary power over our liberties and properties be let in upon us, but at a back door, it will certainly drive many of us out of our habitations; and 'tis to be feared, will once more reduce our country to a wilderness, and a land without inhabitant: which we doubt not but this honourable house will take care to prevent."

Mr. Murray laboured to show that the chancery, king's bench, common pleas and exchequer, were of original jurisdiction by the constitution of England; and was fearful that our establishment of these courts here by an act of assembly, would draw into question our equal rights to all the liberties and privileges of Englishmen. He closed his opinion in this manner:

"And now, Mr. speaker, I have in the best manner that I was capable of, performed what this honourable house desired of me, in giving truly my sentiments upon the subject matter of these petitions.

"Mr. Smith, in delivering his sentiments last Friday, did, in so handsome and elegant a manner, fully prove that the people of this colony are undoubtedly entitled

to the customs, laws, liberties, and privileges of Englishmen, that it was needless for me to attempt the proof thereof, which otherwise I should have done. But I do entirely agree with him, in all that he said on that head ; and I hope I have proved that the fundamental courts, by the laws of England, are as much part of those liberties and privileges, and as much by the customs and laws of England, as any other of their liberties and privileges are ; and of consequence, the people here as much entitled to those fundamental courts, as to their other privileges ; and have endeavoured to answer all the objections that I had heard were, or thought could be, made against our being entitled to the same courts. And upon the whole thereof, as there has been much talked about the liberties and privileges of the people, I would beg leave only to propound this one question, who is he that argues most in favour of the liberties of the people ? he who affirms and proves that they are entitled to those liberties and privileges, laws and customs of England, and the good old original courts, that are by those laws, without an act ? or, he who argues and says we are not entitled to them, until an act is passed to establish them ? I suppose the answer would be given, without hesitation, in favour of the former.

“ But, Mr. speaker, if it yet should be said, that there is a necessity for making acts relating to those courts, I would beg leave to offer to this honourable house the imitation of such laws relating to those courts, as the wise legislature of England have thought fit to make. I presume it will not be said there can be a better pattern offered for the assembly to go by. And it is not to be supposed but that the parliament at home has

made all the regulations therein that can be thought necessary ; whereas going into new schemes and new inventions, may be attended with many inconveniences, which, when they happen, may not be so easily remedied.

“ And I beg leave to conclude, by praying that God Almighty may guide, direct, and influence this honourable house in their debates and consultations upon this momentous affair, and that the end thereof may be for the good of all the inhabitants of this colony.”

The opposition to the exchequer became now stronger than before the counsel were heard. And, therefore, under these discouragements, the court has taken cognizance of no cause since Van Dam's, nor has that indeed ever been determined.*

* Sir John Randolph wrote his sentiments concerning these disputes to captain Pearse. And as he was an eminent lawyer, in Virginia, I doubt not his letter will be acceptable to the reader.

“ SIR,

“ By your request I have perused and considered the arguments of Mr. Smith and Mr. Murray, before the general assembly of New York, in relation to the court of equity established there in a new court of exchequer ; which, I perceive, was done principally, for determining a dispute between the governour and the president of the council, about their right to the salary annexed to the office of the commander in chief, whether he be the governour or president ; and it seems strange to me, that upon such an occasion, so extraordinary a step should be taken as the erecting of a new court, exempted from the rules of the proceeding at the common law, when the matter might have been decided in an action of the case upon an *indebitatus assumpsit*, which is the settled method and most expeditious remedy in cases of that nature.

“ Both these gentlemen seem to have agreed in one point, that it was necessary to trace the court of chancery and the equity court in the exchequer back to their original institution, in order to show whether

The judges of this court, according to an act of assembly, are judges of *Nisi Prius* of course ; and, agree-

the governour of a new plantation, hath a power or not, to erect courts, in imitation of these high and ancient courts in England. And from their researches, they seem to have made very different conclusions. Mr. Smith rightly concludes against the legality of this court ; but Mr. Murray is afraid all must be lost, if the four fundamental courts, as he calls them, cannot be obtained in New-York. I own I do not understand the force of this sort of reasoning ; nor can I conceive how any enquiry into the original of the high court of chancery, which must, after all, end in a mere conjecture, can afford the least assistance in forming a right judgment upon this question, which must depend upon the particular constitution of these foreign colonies.

“ The court of chancery, in England, has its being from custom and usage, to which it owes its legality. If it were to be erected now by the king’s power, it could not stand ; therefore it is undoubtedly a great absurdity to suppose, that upon the planting every new colony by the subjects of England, new courts must spring up, as it were, from the roots of the ancient courts, and be established without the consent of the legislature ; because we can imitate their methods of proceeding, though we are very imperfect in comparison to their reason and judgment. Then I think there is another impropriety in the debate of this question : they would argue from the power and prerogative of the king, to entitle a governour to act in the same manner. I think, before they turn a governour into a king, they should take care to provide for him the same sufficiency of wisdom, and as able a council : therefore I must suppose a mighty difference between the power of a king and the governours abroad.—Their instructions, as to the erecting of courts, or the authorities granted in their patents for that purpose, are not now, as they were in the beginning when there were no courts : but proper judicatures being long since established, there is an end of their power in that respect ; and if any alteration is found necessary, it must certainly be done by the consent of the legislature. The kings of England have always, so far as I am acquainted with the history of the plantations, used a particular tenderness in the business of erecting their courts of judicature, by directing their governours to take the advice of the general assemblies in that matter, and I dare say, that if the patents

able to an ordinance of the governour and council, perform a circuit through the counties once every year.

and instructions of the governour of New-York were to be inspected, no sufficient warrant will be found in them to exercise this high power of setting up new courts. But be that as it will, this is most manifest, that setting up one or more men with power to judge men's properties, by other rules than those of the common law, by which alone we of the plantations must be governed, must subject the estates of that people to an arbitrary rule, so far as they are restrained from appealing to an higher jurisdiction, and may enslave them to the weak, if not corrupt, judgments of those men. It really seems to be a singular misfortune to the people of New-York, that a question of this nature should be so far countenanced as to become a subject of argument, when, I believe, in any other colony, it would not have been thought a matter of any doubt or the least difficulty. But above all, it is most extravagant, that a court of equity should be erected for the trial of a cause, of which, without doing violence to its nature, it cannot have any jurisdiction; and I have wondered, in so warm a debate, that this point has been passed over. I think nothing could entitle the court of equity to proceed in the cause between the governour and Van Dam, unless there was a want of proof of Van Dam's receiving the money in dispute, which I suppose is impossible, since it must have issued out of the publick treasury of the province. If I had been to have argued this point, I should have taken a very different method from those gentlemen. Instead of taking so much pains, in running through so many book cases, to settle what the constitution of England is, I would have stated the constitution of this particular government, as it is grounded either upon treaties or grants from the crown of England; for as New-York was a conquered country, it is very probable something may have been stipulated between the States General and the crown of England, in behalf of the subjects of Holland, which were left there in possession of their estates and so became subjects to England. If there was any such treaty, that must be looked upon as the fundamental law of the province; and next to that the king's charters must take place. I do not at all doubt, but some way or other, the common law was established there, and if not, as there is a legislature, I suppose it is adopted by the country; for there is, undoubtedly, a great difference between the people of a conquered country

They carry with them, at the same time, a commission of oyer and terminer and general gaol delivery, in which some of the county justices are joined.

The judges and practisers in the supreme, and all other courts, wear no peculiar habits, as they do at Westminster hall, and in some of the West India islands; nor is there, as yet, any distinction or degrees among the lawyers.

The door of admission into the practice is too open. The usual preparatories are a college or university education, and three years apprenticeship; or, without the former, seven years service under an attorney. In either of these cases, the chief justice recommends the candidate to the governour, who thereupon grants a license to practise under his hand and seal at arms. This being produced to the court, the usual state oaths and subscriptions are taken, together with an oath for his upright demeanour, and he is then qualified to practise

and colonies established by the king's consent by the subjects of England. The common law follows them wherever they go; but as to the other, it must arise either from treaties or grants; therefore it is a pity, every thing in relation to this matter has been omitted, which would have been of great use to those who are unacquainted with the facts, in forming a judgment in this case. I cannot forbear observing a mighty weakness in the lawyers of New-York, in blindly following a common error in relation to the statutes of England being in force there; whereas there is no foundation in sense or reason for such an opinion. The common law must be the only rule; and if we wade into the statutes, no man can tell what the law is. It is certain all of them cannot bind, and to know which do, was always above my capacity. Those that are declarative of the common law, serve us rather as evidences, than by any binding quality, as statutes.

"I am, sir, your most obedient servant, &c.

"JOHN RANDOLPH."

in every court in the province. Into the county courts attornies are introduced with still less ceremony. For our governours have formerly licensed all persons, how indifferently soever recommended ; and the profession has been shamefully disgraced, by the admission of men not only of the meanest abilities, but of the lowest employments. The present judges of the supreme court are the honourable (for that is their title)

James De Lancey, esq. chief justice.

John Chambers, esq. second justice.

Daniel Horsmanden, esq. third justice.

They have but two clerks ; one attendant upon the supreme court at New-York, and the other on the circuits. The former seals all their process and is keeper of the records.

THE COURT OF ADMIRALTY. The only officers of this court are the judge, or commissary, the register and marshal. The present judge, Lewis Morris, esq. has, by his commission,* a jurisdiction in all maritime affairs, not only here, but in the colonies of New-Jersey and Connecticut. The proceedings before him are in English, and according to the course of the civil law.

THE PREROGATIVE COURT. The business of this court relates to the probate of last wills and testaments, and the grants of letters of administration on intestates' estates. The powers, relative to these matters, are committed to the governour, who acts ordinarily by a delegate.

THE COURT OF THE GOVERNOUR AND COUNCIL. The authority of this court is best seen in the instruction on which it depends.

“ Our will and pleasure is, that you, or the commander in chief of our said province, for the time being, do

* It is under the seal of the admiralty, and dated January 16, 1722.

in all civil causes, on application being made to you, or the commander in chief for the time being, for that purpose, permit and allow appeals, from any of the courts of common law in our said province, unto you or the commander in chief, and the council of our said province ; and you are, for that purpose, to issue a writ, in the manner which has been usually accustomed, returnable before yourself and the council of our said province, who are to proceed to hear and determine such appeal ; wherein such of our said council, as shall be at that time judges of the court from whence such appeal shall be so made, to you our captain general, or to the commander in chief for the time being, and to our said council, as aforesaid, shall not be admitted to vote upon the said appeal ; but they may, nevertheless, be present at the hearing thereof, to give the reasons of the judgment given by them in the causes wherein such appeals shall be made.

“ Provided nevertheless, that in all such appeals, the sum or value appealed for, do exceed the sum of * three hundred pounds sterling ; and that security be first duly given by the appellant, to answer such charges, as shall be awarded in case the first sentence be affirmed ; and if either party shall not rest satisfied with the judgment of you, or the commander in chief for the time be-

* Before the arrival of sir Danvers Osborn, appeals were given to the governour and council, in all causes above 100l. sterling, and to the king in council in all those above 300l. sterling. By this instruction the power of the supreme court and the governour and council is prodigiously augmented. In this infant country few contracts are equal to the sums mentioned in the instruction, and therefore an uncontrollable authority in our courts may be dangerous to the property and liberties of the people. Proper checks upon judges preserve them both from indolence and corruption.

ing, and council as aforesaid, our will and pleasure is, that they may then appeal unto us in our privy council. Provided the sum or value so appealed for unto us, exceed five hundred pounds sterling, and that such appeal be made within fourteen days after sentence, and good security given by the appellant, that he will effectually prosecute the same and answer the condemnation, and also pay such costs and damages, as shall be awarded by us, in case the sentence of you, or the commander in chief for the time being, and council, be affirmed. Provided nevertheless, where the matter in question relates to the taking or demanding any duty payable to us, or to any fee of office, or annual rent, or other such like matter or thing, where the rights in future may be bound, in all such cases, you are to admit an appeal to us in our privy council, though the immediate sum or value appealed for, be of a less value. And it is our further will and pleasure, that in all cases, where, by your instructions, you are to admit appeals to us in our privy council, execution be suspended, until the final determination of such appeals, unless good and sufficient security be given by the appellee, to make ample restitution of all that the appellant shall have lost, by means of such judgment or decree, in case upon the determination of such appeal, such decree or judgment should be reversed, and restitution awarded to the appellant."

THE COURT OF CHANCERY. Of all our courts, none has been more obnoxious to the people than this. There have been (as I have already shown) few administrations since its first erection, in which our assemblies have not expressed their disapprobation of its constitution by ordinance, and the exercise of the chancellor's power by the governour. During the administration

of governour Cosby, a bill was filed by sir Joseph Eyles and others, to vacate the oblong patent granted by his immediate predecessor to Hauley and company. The defendants excepted to the governour's jurisdiction but being overruled, they resorted to the assembly with a complaint, and the house, on the 6th of November, 1735, resolved,

“That a court of chancery, in this province, in the hands or under the exercise of a governour, without consent in general assembly, is contrary to law, unwarrantable, and of dangerous consequence to the liberties and properties of the people.”

The same sentiments obtained among the people in Mr. Clarke's time, as is very evident in the memorable address of the assembly, in 1737, a part of which, relative to the court of chancery, is too singular to be suppressed.

“The settling and establishing of courts of general jurisdiction, for the due administration of justice, is necessary in every country, and we conceive they ought to be settled and established, by the acts of the whole legislature, and their several jurisdictions and powers by that authority limited and appointed, especially courts that are to take cognizance of matters in a course of equity.—This has been the constant practice in England, when new courts were to be erected, or old ones to be abolished or altered; and the several kings of England, in whose reigns those acts were made, never conceived, that the settling, erecting, or abolishing courts, by acts of the legislature, had any tendency to destroy or in the least to diminish their just and legal prerogatives.—It was the method in use here, both before and since the revolution, and particularly recom-

mended to the assembly to be done in that manner, by a message from governour Sloughter and council, on the 15th day of April, 1691. He was the first governour since the revolution ; and the governours that since that time assented to those acts, we suppose, never in the least imagined, they were giving up the prerogative of their masters when they gave that assent ; nor did we ever learn that they were censured for doing so.—On the contrary, the constant instructions, that have from time to time been given to the governours of this province, seem clearly to point out the doing of it, by acts of the legislature, and not otherwise, as may be gathered from the instruction, for the erecting of a court for the determining of small causes, by which there are positive directions given to the governours to recommend it to the assembly, that a law should be passed for that purpose ; but notwithstanding these directions, given in direct and express terms, the governours never would apply for such an act, but erected that court by an ordinance of themselves and council, as they did the court of chancery, which had before that time been erected by acts of the legislature in another manner.—They could not be ignorant, what dissatisfaction the erecting of a court of chancery, in that manner, gave the generality of the people.—This was very manifest by the resolves of the general assembly, at the time of its first being so erected, and often since, declaring the illegality of such a proceeding. And though these resolves have been, as often as made, treated by the governours with an unreasonable disregard and contempt of them, yet to men of prudence, they might have been effectual, to have made them decline persisting in a procedure so illegal, and so generally dissatisfactory ;

and which (as they managed it) proved of no use to the publick or benefit to themselves. For as few of them had talents equal to the task of a chancellor, which they had undertaken to perform, so it was executed accordingly. Some of them being willing to hold such a court, others not, according as they happened to be influenced by those about them. So that were it really established in the most legal manner (as it was not) yet being in the hands of a person not compellable to do his duty, it was so managed, that the extraordinary delays and fruitless expense attending it, rendered it not only useless, but a grievance to the inhabitants, especially those who were so unfortunate as to be concerned in it: which we hope you think with us, that it is high time should be redressed.

“ Your honour well knows, that the establishing that court, in the manner it has been done, has been a subject of contention, between the governours and the assembly : and since it is confessed by all, that the establishing both of that, and other courts, by act of the legislature, is indisputably legal, and gives them the most uncontrovertible authority ; and if unquestionably legal, what is so, cannot be destructive of his majesty’s prerogative.—We therefore hope, you will make no scruple of assenting to this bill, to put an end to a contention, that has not been, nor will be, while it continues, beneficial to his majesty’s service.”

From this time, the chancery has been unattacked by the assembly, but the business transacted in it is very inconsiderable. A court of equity is absolutely necessary, for the due administration of justice ; but whether private property ought to be in the hands of the gover-

nours, I leave others to determine.* As the publick business of the colony increases, few of them, I believe will be ambitious of the chancellor's office, as they have not the assistance of a master of the rolls. The present officers of this court (which is always held in the council chamber at the fort) are, his excellency sir Charles Hardy, kn^t. chancellor, two masters, two clerks, one examiner, a register, and a serjeant at arms, and not one of them has a salary. In our proceedings we copy after the chancery in England, and indeed in all our courts, the practice at home is more nearly imitated in this and New-Jersey, than in any other province upon the continent. Few of our assemblies have been capable to concert any new regulations of this kind ; and hence the lawyers have had recourse to the English customs and forms, which they have generally adopted. While the New-England colonies, through the superior education of their representatives, have introduced numberless innovations, peculiar to themselves ; the laws of our mother country have gradually obtained here, and, in this respect, the publick has perhaps received advantages, even from the ignorance of our ancestors.

* Some are of opinion that the governour's jurisdiction in this, and the spiritual, or prerogative court, are incompatible.

CONTINUATION
OF THE
HISTORY OF NEW-YORK.

AMERICAN REVOLUTION

CHAPTER OF THE

REVOLUTION

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CONTINUATION

OF THE

HISTORY OF NEW-YORK.

PART VII.

From the year 1732 to the year 1736, including the whole period of Governour Cosby's Administration.

§ I. Cosby's popularity. § II. Meeting of the assembly. § III. Wig tax, and garrison at Oswego. § IV. Other taxes voted, and proceedings of the assembly. § V. Adjournment, and second meeting. § VI. Court of equity. § VII. Quakers. § VIII. Agent at the court of Great Britain. § IX. Zenger's papers censured. § X. Jealousy of Great Britain on account of the colonial trade. § XI. Further taxes voted. § XII. Assembly pray to be dissolved. § XIII. Measures of the governour become odious. § XIV. Rip Van Dam suspended from the council. § XV. Death and character of Cosby.

THE administration of governour Cosby commenced under very favourable auspices. The attempts which had been made in the British parliament the preceding year for the encouragement of the sugar colonies,* and the consequent depression of the American trade, had excited general apprehension in the colony of New-York for the safety of her commerce. Governour Cosby, while in England, had been very active in his opposition to these measures. The bill after a violent

* See notes.

struggle had passed the house of commons, but was rejected in the house of lords. No person could have been selected, therefore, for the government of New-York, who would have been more popular than governor Cosby. On his arrival he issued his proclamation adjourning the assembly to the 19th of August, 1732. The members of the council consisted, at this time, of Mr. Van Dam, (the former president of the colony) Messrs. Clarke, Harrison, Alexander, Van Horne, Horsmanden, Kennedy, De Lancey, Courtlandt, and Lane.

§ II. The assembly having met, according to the governor's proclamation, immediately voted that an address should be presented to his excellency, congratulating him on his safe arrival, and to return him the thanks of the house for his opposition, while in England, to the attempts in favour of the sugar islands. This vote was in accordance with the measures which had been adopted by the assembly at its session in the September preceding. At that time they had unanimously declared their repugnance to this injurious project. They had pronounced the bill, then pending in parliament, "for the better securing and encouraging the trade of his majesty's sugar islands in America," to be highly detrimental to all the British northern colonies in general, and in particular to New-York: that it would deprive them of the means of vending the produce of the colony, diminish its navigation, subject it to unreasonable hardships, and, in the end, disable it from consuming such large quantities of British manufactures as were annually imported into it. The president, Van Dam, had been earnestly requested to remonstrate to his majesty, his ministers of state, and the lords for trade and

plantations, against the proposed measure. Its failure, therefore, was extremely agreeable to the colony. Governor Cosby was flattered with the vote of the assembly, and in his answer took no little credit upon himself for having contributed towards the defeat of the bill before parliament. He likewise plainly intimated to the house his confidence in receiving from it a revenue in as full and ample a manner as had been granted by former assemblies, and requested its attention to the garrison at Oswego, representing the place to be in a ruinous condition, and its importance in securing and maintaining the Indian trade. The assembly, in its answer to the governor, was, as usual, profuse in terms of respect, but cautious in committing itself as to revenue or money matters. It assured the governor of its disposition to concur in the measures recommended, so far as the circumstances of the colony would reasonably allow; that it would concur in any new law for the encouragement of trade, the protection of religion, and the preservation of the just rights and liberties of the colony. The governor expected something more explicit. He took occasion in his reply to inform the assembly that he expected that it would comply with what he had *demand*ed for the support of his government. This language from the governors of the colony was not uncommon. Representing the majesty of England, their speeches were usually marked with the same spirit that characterized addresses from the throne. The house of assembly was viewed by them in the same light as the house of commons was viewed by the crown in England. Demands for supplies were frequently answered by murmurs and complaints. This colony, however, had much reason to complain of

its heavy burthens. The wars between France and England had almost drained its resources, and subjected it to a heavy debt.

§ III, The first measure adopted by the assembly was to order bills to be brought in to regulate the excise, to settle a revenue on the governour, and to regulate the militia. The treasurer of the colony having been directed to make a report to the house of certain accounts, stated the following receipts into the treasury since his last report, to wit: nine pounds seventeen shillings and five pence, on account of the tax on *wigs*; one thousand and twelve pounds six shillings and six pence on account of the excise, twenty-five pounds on account of licenses to hawkers and pedlars. The tax on wigs was undoubtedly a wise and prudent measure. A custom had about this time been introduced for young men, and even boys, to conceal their own hair under large and spacious wigs. To repress a custom so absurd or to make it a subject of revenue, had been the object of the legislature. The house next directed enquiries to be made as to the state of the garrison at Oswego. The result was that that fort had formerly been victualled by Harmanus Wendell, who had been employed for the purpose, and that captain Jacob Glen, had, by direction and in behalf of captains John De Peyster, John Schuyler, and John Jurriancast undertaken to victual his majesty's troops at Oswego, and to perform certain other services there, for three years, at the rate of 456*l.* per annum. The next subject which came before the house claimed an unusual share of its attention. It was represented that many of the fees exacted from the people by publick officers, and by the practitioners of the law, were very

exorbitant and unwarrantable : That under colour of law the greatest abuses had been committed ; and a number of cases were mentioned in which parties had been ruined by the heavy expenses of litigation ; and likewise some gross instances of fraud and corruption were stated to the house. The assembly appointed a committee to settle and regulate the fees, and, unwilling to offend the governour, it soon directed its attention to the *ways* and *means* necessary for raising a revenue.

§ IV. The house voted a tax or duty upon negro slaves, wines, shrub, spirits, molasses, cocoa, and dry goods imported into the colony ; but ordered that the monies be paid directly to the treasurer of the colony. It voted large supplies for the support of the garrison at Oswego, and imposed a tax upon persons trading with the Indians. Having thus satisfied the demands of the governour, the house proceeded to other subjects connected with the prosperity of the colony, the promotion of trade and agriculture, and the cultivation of literature. Bills were brought in, and passed, for regulating and laying out roads in Kings, Orange, Ulster, Westchester, and some other counties ; for preventing the destruction of sheep by dogs and wolves ; for the relief of imprisoned debtors, and punishment of felons ; for building court houses and gaols ; for preventing desertion in the army ; for encouraging a publick school to teach Latin, Greek, and the mathematicks ; for discharging the several demands upon the trading house at Oswego, and for confirming to the city of New-York its rights and privileges. The house likewise fixed the salary of the governour at 1560*l.* per annum ; of the chief justice at 300*l.* and the second justice at 150*l.* It voted 600*l.* for the garrison at New-York ; 230*l.* for the garrison

and commissioners of Indian affairs at Albany ; and certain other sums for the support of some of the officers of government. It declared also that a fort ought to be built at Albany ; that some fortifications were necessary in Suffolk county, and that the city of New-York ought to be better fortified. It requested the governour, when he should go to Albany, to cause a plan to be made of the fort necessary there to be built, and an estimate of the expense to be laid before the house. Samuel Baker, George Straatfield, Samuel Starke, Richard Janeway, Joseph Low, and Rodrigo Pacheco, reputable merchants, in London, were authorized by the house to appoint an agent for the colony at the court of Great Britain, with a salary of 200*l.* and having directed 1000*l.* to be paid to the governour in grateful acknowledgment of the vigilant and generous assistance which he and his relations and friends had afforded in resisting the bill in parliament relative to the sugar colonies, it expressed a wish to the governour to be dissolved. The governour, after giving his assent to twenty-two bills, recommended an *adjournment*.

§ V. The assembly accordingly adjourned itself to the second Tuesday of April, 1733 ; and the governour, by several proclamations, adjourned it farther to the 15th October, in the same year. On that day the house again met, and the governour, in a short address, told it that the barracks at New-York were in want of repair, and recommended the house to provide for the expense. The assembly, however, was not disposed to subject the colony to any additional burthens ; and it resolved that the consideration of repairing the barracks in fort George, at New-York, be postponed to the next session. During this part of the session but

few matters were laid before, or acted upon, by the house. Only eight bills were passed into laws. The most important subject which claimed the attention of the house, was a petition of forty-eight Indian traders, complaining of some irregularities at Oswego, and praying legislative interference. The house, upon investigation, found the complaints to be true, and requested the governour to appoint David A. Schuyler, or in case of his death, or refusal to act, such other person as should understand the Indian trade and language, to be commissary at Oswego. The assembly now adjourned, and did not again meet till April 25, 1734. The governour then opened the session by a formal speech. He complained in it, of the decay of trade, ascribing it principally to the inhabitants of the island of Bermuda, who had become the common carriers of the colony, and thereby discouraged ship building. He stated that flour, our staple commodity, had lost its reputation for the want of proper and strict inspection laws. He recommended the laying a duty of tonnage on foreign bottoms, and the passage of inspection laws. He urged the house to provide for the further defence of the cities of New-York and Albany, and of the town of Schenectady. He suggested the expediency of imposing a duty on legal proceedings and papers, and of discouraging the importation of negroes. He recommended the sending of smiths and artificers among the Indians to mend their arms. He stated the insidious efforts which had been making by the French to alienate the affections of the Indians from the British, and the importance of preserving the friendship of the Six Nations. The house returned a very civil answer to the governour, filled with assurances of loyalty and

zeal for the king and country ; and immediately after took into consideration the subjects submitted to it. A duty of tonnage on vessels not built within the colony, or wholly owned by any of its inhabitants, or by subjects of Great Britain, was voted, and a bill directed to be prepared for the purpose ; as also a bill to prevent the exportation of unmerchantable flour. Colonel Philip Schuyler, a very influential gentleman, and well acquainted with the affairs of the colony, was employed to be sent among the Seneca Indians to secure their friendship ; and the sum of four hundred and ten pounds was voted for this service. A bill for fortifying Albany and Schenectady was brought in and passed. Estimates were submitted to the house of the expenses of the proposed fortifications at New-York, Albany and Schenectady, amounting to 17,551*l.* 13*s.* 1*d.* The treasurer was directed to report a state of the treasury, by which it appeared that but 1741*l.* 16*s.* 5*d.* $\frac{1}{4}$, were in his hands ; arising principally from the wig tax, the excise, and duty imposed on licenses of hawkers and pedlers. Complaints were again made of the exorbitant fees received by the lawyers and officers of government. The bakers in New-York, likewise, complained of the quantities of bread imported into the province from the neighbouring colonies, and prayed that a duty be laid on such imported bread.

§ VI. But the most important question which was agitated, and which, for many years before, had excited great sensation throughout the colony, was the establishment of a court of equity. The court party had insisted that the governour was, *ex officio*, chancellor of the colony ; while the popular party had warmly opposed this position, and denied that such a court could

exist, unless by prescription or by act of parliament. The house directed counsel to be heard on this interesting subject. Mr. Smith, a lawyer of great reputation; spoke three hours before the house, against the claims of the court party. He denied that the crown could by any grant, commission or letters patent, erect a court of chancery: that he had examined the subject with attention, and that the conclusion he had drawn was founded upon precedent and principle. Mr. Murray, a lawyer of undoubted talents, debated the question on the other side. He maintained, with great ability and ingenuity, that the courts of chancery, the king's bench, common pleas, and exchequer, were, by the laws of England, of original jurisdiction, and as ancient as the kingdom itself. He insisted that this colony was entitled to the same privileges and rights, and consequently, to the same courts. The discussion was so ably supported on each side, that the house did not come to any resolution on the question. The governor himself had no doubt of his right to act as chancellor, for he had two years before (March, 1732) taken the oaths, as such, before the council. At the same time, James De Lancey was sworn in as chief justice, in place of Lewis Morris, and Frederick Philipse was sworn in as second justice. The arguments of Messrs. Smith and Murray were afterwards published at the expense of the colony.

§ VII. At this session the quakers received an indulgence, for which they had been struggling for some years. Some of them had been refused their votes by the sheriff of Westchester, at an election for representatives, because they would not take the oaths required

by law. They complained to the governour and council, who referred the question to the attorney general. The house took up the subject, and passed an act, granting to the people called quakers, residing in the colony, the same rights and privileges as were enjoyed in England by people of that denomination.

The accounts from Europe having favoured the opinion of an approaching rupture between France and England, the assembly, with a zeal which was highly agreeable to the governour, determined to place the colony in a better posture of defence. 6000*l.* were voted towards fortifying New-York; 4000*l.* for building a stone fort, &c. in Albany; 800*l.* for erecting a fort of beams, on a stone foundation, &c. in Schenectady; 500*l.* for messengers and presents &c. to the Seneca Indians; and 200*l.* for the security of Suffolk county. Mr. De Lancey, a member from New-York, whose wealth and influence were extensive, brought in a bill for the frequent meeting and calling of the general assembly. The bill, which was very popular, was passed, and sent to the governour and council for concurrence; but it there received amendments, which were calculated to defeat the objects of the bill, and was not returned to the assembly till some time after. The governour saw in it the same spirit which prevailed in the time of the unfortunate Charles I. and that it was an encroachment upon that prerogative, with which kings and governours never parted, but with reluctance. The assembly, however, took no notice of this treatment of one of their favourite measures, and, the harvest approaching, resolved upon an adjournment. During the two preceding years of governour Cosby's

administration, several measures were adopted in council, which marked the character of the times. Reports having been circulated that the governour intended to take the Dutch church, in New-York, for the use of the government, induced the council to offer a reward of 100*l.* for the discovery of the slanderer. A singular complaint was also made against the corporation of Albany, for having attempted a fraud upon the Indians.* An anonymous letter having been sent to James Alexander, esq. one of the governour's council, threatening him and his family with destruction, produced a proclamation, offering a reward of 50*l.* for the apprehension of the offender. In November, 1732, the council had directed Rip Van Dam, esq. the former president of the colony, to be prosecuted for certain monies he had received while president.

§ VIII. The appointment of an agent at the court of Great Britain, had always been a subject deeply interesting to the assembly, but the governour and council, as the executive branch, conceiving themselves entitled to instruct such agent, from time to time, as to his proceedings in England, created a jealousy on the part of the assembly, that its conduct and views were not fairly represented to his majesty. Mr. Morris moved for leave to bring in a bill for appointing an agent at the court of Great Britain, independent of the governour. He urged the necessity of the measure to the colony, as tending to maintain a good correspondence between it and the mother country: that frequently bills of the last importance had received the royal veto, without being correctly understood, or duly appreciated: that

* See note A.

the commercial and agricultural concerns of the colony were not properly or sufficiently represented to his majesty or his ministers : that insinuations had gone abroad unfavourable to the loyalty of the assembly, and it was the duty of the house to remove the impression. The bill, however, was not brought in by Mr. Morris till the October session following.

§ IX. During the recess of the legislature, certain publications had appeared in a paper, called Zenger's New-York Weekly Journal, which contained severe animadversions on the government. This paper was supposed to be published under the patronage of Mr. Van Dam, and was, of course, decidedly hostile to the court. The New-York Gazette, printed by William Bradford, was in the interest of the court ; and these two were the only papers printed in the colony at this time. Several printed ballads had likewise appeared, which placed some of the members of the legislature, and others, in a ludicrous point of view, insomuch that the governour and council considered the subject worthy of notice. They voted, that Zenger's papers, Nos. 7, 47, 48, 49, and two printed ballads, were derogatory to the dignity of his majesty's government ; that they contained reflections upon the legislature, and the most distinguished persons in the colony, and tended to raise sedition and tumult. They likewise voted that the said papers and ballads should be burnt by the common hangman ; and at the opening of the next meeting of the assembly, in October, 1734, requested the house to join in addressing the governour to offer a reward for the discovery of the authors or writers of these seditious libels. The as-

sembly passed over the application in silence. Some of its most active members were supposed to have favoured these attacks, if not to have written the papers in question. The governour and council took umbrage at this unwillingness of the house ; and shortly after requested it to return to the council the papers containing the offensive publications. The house, with much *sang froid*, ordered the clerk to produce the papers, and the speaker returned them to the council. The attorney general afterwards filed an information against Zenger for these libels, upon which he was acquitted, after having laid in prison eight months. His acquittal was generally satisfactory. The common council of New-York, for "his learned and generous defence of the rights of mankind and the liberty of the press," presented Mr. Andrew Hamilton, one of Zenger's counsel, with the freedom of the city, and their thanks for his distinguished services on this occasion. The freedom of the city was presented in a gold box weighing five and an half ounces. On the lid of the box was engraved the arms of the city, with this motto, "*Demersæ leges-timefacta libertas-hæc tandem emergunt.*" On the lid within, "*Non nummis—virtute paratur.*" Round the box, a part of Tully's wish, "*Ita cuique eveniat, ut de respublica meruit.*"*

§ X. The British ministry had long foreseen the importance of the colonies to the empire, in furnishing stores for the support of its navy. Nevertheless they did not wish to encourage a colonial trade, which might prejudice the extensive commerce of the English merchants. The lords commissioners for trade and planta-

* For some interesting matter in relation to Zenger, see note B.

tions, not sufficiently acquainted with the nature of the colonial trade, requested the governour, by letter, dated May 30, 1734, to transmit his opinion what further encouragement might be given to induce the colonists to apply their attention to the cultivation of naval stores of all kinds; but cautiously added, so as not "to interfere with the trade or product of Great Britain." The jealousy of the British government, even at this early day, was apparent. They could not brook a rivalry in commerce, and however important the trade of the colonies was to the mother country, it was to be merely tributary to her prosperity and splendour. The governour laid the letter before the house at its October session, which, after gravely resolving to take the subject into consideration, returned the original letter to the governour, and took no further order upon it.

§ XI. The assembly now resolved itself into a committee of *ways and means*, towards fortifying the colony. A duty of a shilling on every pound of *tea*, and every barrel of cider; three shillings on every barrel of pork; two shillings on every barrel of beef, imported into the colony, was voted by the house. An annual tax of one shilling was also imposed on every slave throughout the colony. Twelve thousand pounds, in bills of credit, were ordered to be issued, redeemable out of the before mentioned duties, when collected, and which fund was made chargeable therewith. A bill, for further regulating the militia, was brought in and passed. A bill for the frequent electing and calling the general assembly, was passed by the house, but the governour and council having clogged it with amendments unfriendly to the principle of the bill, and refus-

ing to recede, the bill was lost. The bill, brought in by Mr. Morris, to appoint an agent at the court of Great Britain, independent of the governour, shared the same fate. Notwithstanding the hostility of the court party to any measure which appeared to be calculated for the public good, yet the house, with a zeal and patriotism highly honourable to it, adopted every measure suggested for the defence of the colony, and willingly imposed heavy burthens on its constituents to promote this object.

§ XII. Nor could it be justly chargeable with a desire to continue its authority. It earnestly prayed the governour to be dissolved so as to enable its constituents to signify, by the elective franchise, their opinion of the measures it had pursued. But the governour too well knew the value of the present assembly. He had seen that that body had not refused, under any circumstances, however mortifying, to give its aid to the desires of the British ministry, in providing for the defence of the colony. He feared, likewise, that the people were not disposed to increase their burthens to gratify the ambition of kings and ministers, nor were even willing to submit, with patience, to the present system of taxation, which they apprehended was becoming daily more gigantic and oppressive. He told the house, that it was the undoubted prerogative of the crown to adjourn, prorogue, or dissolve the assembly. That he, being entrusted by his majesty with that power, would exercise it only as he should find it conducive to his majesty's service, and the benefit of the colony, and added, "which I cannot apprehend it to be at this time." The assembly, therefore, by the consent of the governour, *adjourned* itself.

§ XIII. The measures of the governour were daily becoming more odious. A strong party was forming to excite the people to opposition. Lampoons and ballads were published, shewing the evil tendency of preserving, for so many years, the same body of men in the assembly, without permitting the people to express their opinions by an election. That the heavy burthens laid upon the colony were to pamper the great and wealthy, at the expense of the agricultural and commercial part of the community. That trade was languishing, and in proportion as commerce decreased, taxes were increasing. Meanwhile, the governour and council were content in being censured by the people, provided they could influence the assembly to be subservient to the views of government. The liberal supplies that had been granted, were sufficient to gratify the wishes of the governour, and he suffered the assembly to remain without being again called for near a twelve month. But the difficulties in Europe and the Indian affairs at home, became too urgent for further delay. The governour was importuned to convene the legislature. He had, during the last twelve month, been personally present at conferences with the Six Nations of Indians, at Albany, to renew the covenant chain. He had likewise caused the garrison at Oswego to be well supplied, and he laid before the house, which met in October, 1735, the information he had received, and requested the assembly to take these matters into consideration, and to provide for the further encouragement of trade. A complaint was made to the house, by the proprietors of land taken out of Connecticut, that a bill had been preferred to the governour, as chancellor, to vacate a patent issued un-

der the seal of the colony, for fifty thousand acres of land. This complaint was referred to the committee of grievances. Mr. Garretson, a member from King's county, and chairman of that committee, reported, that a court of chancery, within this colony, in the hands or under the exercise of a governour, without consent in general assembly, was contrary to law, unwarrantable and of dangerous consequence to the liberties and property of the people. An animated discussion again ensued. The printed arguments of Messrs. Smith and Murray, on the same subject, were resorted to ; but the house at length concurred with the committee in their report. Mr. Van Horne, a member from New-York, presented a petition from a great number of the inhabitants of the city of New-York, praying that the house might request the governour to cause it to be dissolved. The petitioners remonstrated against the long continuance of the same members in power. That this was a serious grievance to the colony : That frequent elections were valuable to a free people, and that this privilege ought not to be yielded. The house unanimously voted that it was their desire to be dissolved, and sent a copy of the vote and of the petition to the governour. A similar petition from some of the inhabitants of Queen's county, ascribing the decay of trade, and the lessening of the value of lands, to the long continuance of the assembly, was voted to be an unjust and audacious charge, highly reflecting on the house. The governour refused to dissolve the assembly, and told the house that it ought to make provision for the deficiency which appeared in the treasurer's report, and that this was due to the honour of the house. The assembly, notwithstanding this demand of the governour, deemed the present

time unfit to make the necessary provision, and, by the governour's assent, adjourned to the last Tuesday of March, 1736.

§ XIV. Among the last acts of governour Cosby, was his declaring Rip Van Dam, esq. suspended from his seat as counsellor of the province. Van Dam was *senior* counsellor, and as such, upon the governour's demise, would again have succeeded to the government as *president* of the colony. To prevent this, Cosby convened the council in his bed chamber, and declared Van Dam to be suspended. No reason was given for this act at the time. It is probable that Cosby's partiality to George Clarke, the counsellor next in seniority to Van Dam, and the controversy between the council and Van Dam, in respect to certain monies he had before received, while president, produced this violent and extraordinary measure, the effects of which were experienced even in the succeeding administration.

§ XV. Governour Cosby died on the 7th March, 1735-6.

Thus ended an administration in which there was something to admire and much to condemn. In reviewing the character of Cosby, we cannot but perceive his decided hostility to the elective franchise, and his utter contempt for the opinions of the people. No governour commenced an administration with better prospects, and greater popularity. Yet none endeavoured less to retain the confidence and respect of the people than himself. He continued an assembly for six years; resisting every effort which was made for another election, and refusing to assent to a bill for the frequent electing and calling of the legislature, without such amendments as would defeat the object intended. With

high opinions of prerogative and decided hostility to free and equal legislation, he became at length odious to the colony, and even many of his best friends had deserted him. Yet at the same time, it must be acknowledged, he possessed many good and amiable qualities. He was affable and courteous in his deportment; honest and sincere in all his private transactions. Though not possessed of talents, either splendid or great, yet he was attentive to the concerns of the colony, and to the fair and impartial administration of justice within it.

HISTORY OF NEW-YORK.

PART VIII.

From the year 1736 to the year 1738, inclusive....Including part of Lieut. Governour Clarke's Administration.

§ I George Clarke declared president, and Rip Van Dam's opposition.
§ II. Van Dam declares himself president; the assembly convened; Clarke appointed lieutenant governour. § III. Proceedings of the assembly, and its dissolution. § IV. New elections for members. § V. Session opened. § VI. Assembly address the lieutenant governour. § VII. Features of the address. VIII. Contested elections; vote relating to the Jews. § IX. Taxes voted. § X. Adjournment, prorogation, and second meeting. § XI. Rupture between the legislature and the lieutenant governour; dissolution of the house.

UPON the death of governour Cosby, the council were immediately convened. The question was proposed whether George Clarke, the senior counsellor, next after Rip Van Dam, should be considered president of the colony. Every member, with the exception of James Alexander, esq. voted in the affirmative. Mr. Clarke was accordingly declared president, and took upon himself the administration of the government. A powerful party, however, had been formed in favour of Mr. Van Dam. His suspension from the council, by governour Cosby, was declared to be arbitrary and illegal: That the instructions from the crown did not authorize such a violent proceeding: That Mr. Van

Dam should have been summoned, previous to his suspension, in order to defend himself against any charges that might have been preferred against him. There was undoubtedly much weight in the reasoning adopted by the friends and adherents of Mr. Van Dam. Justice required that the charges against *him* should have been fairly investigated before he was dismissed. Mr. Clarke directed the council to be convened. He laid before it a part of his majesty's instructions, which related to the power of suspension. By these it appeared that the governour possessed the power to suspend any counsellor who had wilfully and unreasonably absented himself from its meetings, and should persist therein, after being admonished to the contrary. But yet it did not appear that the late governour had proceeded on that ground. He had declared to the council that the reasons which induced him to suspend Mr. Van Dam, would in due season be laid before his majesty, but Mr. Van Dam's absence from the council was not even suggested to be one of them. Indeed, so long as Mr. Van Dam remained in the colony he could hardly be adjudged guilty of wilfully and unreasonably absenting himself from the council, till he was requested to shew cause for such absence, and was heard in his defence. Nor was a suspension merely to be considered as a total exclusion, until the king's approbation was obtained. But the council were opposed to the views of Mr. Van Dam. They voted that provision should be made against any riots or disturbance that might ensue. Orders were issued, forbidding any person recognizing the pretensions of Mr. Van Dam. A large quantity of gunpowder was directed to be procured and to be placed in the fort for its defence.

§ II. Mr. Van Dam, however, was not deterred by the menacing attitude of affairs ; he proceeded to call the council, and assumed the title of commander in chief and president of the colony. He appointed several of the charter officers of the city of New-York,* and was about to exercise other powers, incident to the office he assumed. Mr. Clarke, by the advice of the council, all of whom, except Mr. Alexander, had adhered to his authority, thought proper to convene the assembly. That body accordingly met on the 13th October, 1736. Mr. Clarke opened the session by a speech. He told the house that unhappy divisions had arisen in the colony, and strongly recommended the legislature to provide for the defence, the safety and prosperity of the colony. He directed its attention to the deficiencies in the revenue, and to the importance of promoting ship building. He wished the house to provide for the finishing of the fortifications already set on foot, and particularly Fort Hunter, which he represented to be in a ruinous condition, and the house at Oswego, which was in want of repairs. He stated that persons ought to be sent to the Seneca Indians, to secure their fidelity, and to make them suitable presents. He entreated the house to be moderate in its debates, and to make things of a private or inferiour nature to yield to those of a publick and important description. The house, without any difficulty, recognized Mr. Clarke as president of the colony. It is probable that this acquiescence was produced by accounts from England, stating that Mr. Clarke would be appointed lieutenant governour ; for, on the 30th of the same

* See note B.

month of October, his commission, dated on the 30th of July preceding, was received and published with the solemnities common to the occasion. This event put an end to the claims of Mr. Van Dam to the administration of the government.

§ III. Few matters of moment were acted upon by the house at this session. A complimentary address was voted to the king, on the marriage of the prince of Wales, with the princess of Saxe-Gotha. Col. Morris again introduced a bill for the better regulating the elections of members to serve in the general assembly, with the additional clause of preventing any member from accepting any office of profit after his election. This bill met with violent opposition. The disabling clause was particularly obnoxious to some of the members who held offices under the crown, and to others who were expectants of office. Upon a motion made to commit the bill, a majority voted in the negative, and the bill was rejected. Colonel Morris, with a perseverance highly honourable to his character and views, immediately moved for leave to bring in another bill for regulating the election of members to serve in the general assembly. The house then proceeded to examine the state of the treasury. By the treasurer's accounts it appeared that warrants on the treasury for the sum of 8697*l.* 13*s.* 8*d.* remained unpaid. The house voted that it would raise ways and means for supplying 6022*l.* 12*s.* 7½*d.* only, but expressly limited the revenue so to be raised to the specifick deficiencies reported to the house, so as to prevent any misapplication of it by the lieutenant governour and council. This vote was so offensive to the lieutenant governour, that he immediately dissolved the house. He told the assembly that it had

violated its solemn promises to make good the deficiency in the revenue : That it had passed resolves highly derogatory to his majesty's honour and prerogative, and that he would suffer the people to make another election. Thus an assembly, which had continued its sessions for nearly nine years, without any intermediate election, became dissolved. Its continuance so long is a strong evidence that a majority of that body had been devoted to the views and interests of the court. Taxation had been lavishly imposed, laws for supporting the revenue, for building fortifications, and for making treaties with the Indians, had been almost constantly the subjects of their deliberation. Yet, during this period, many laws, for encouraging trade, promoting literature, establishing courts of justice, &c. were likewise passed.

§ IV. The dissolution of this assembly was generally satisfactory to the colony. Few of its members were re-elected, and of those few, the greater number belonged to the popular party. The new elections for representatives now commenced. Great exertions were made, by the contending parties, for success. In the city of New-York, and which, indeed, gave a tone to all the other elections in the colony, the popular party was triumphant. James Alexander, esq. who had so firmly adhered to Rip Van Dam, in his struggle for the presidency after the death of governour Cosby, was elected a member for that city. Colonel Lewis Morris, junior, so well known for his decided opposition to the court, was again sent a member from Westchester.

§ V. The lieutenant governour determined to conceal his chagrin and regret at the result of this election, and to endeavour to gain of the assembly by complaisance and persuasion, what he knew could not be

accomplished by menaces or coercion. He opened the new session, on the 15th June, 1737, by complimenting the choice of members which the people had made, and telling the house that he was persuaded it came "with resolutions to answer the great ends of their election." He stated that the approaching harvest forbade him from expecting much business now to be done, and that he would avail himself of that opportunity to meet the Six Nations of Indians at Albany, to renew the covenant chain, and to endeavour to prevail with the Seneca tribe to revoke the consent they had unadvisedly given to one John Coeur, a Frenchman, from Canada, to build a house in their territory, at *Tierondequat*.* He represented that place to be very important, as it regarded the fur trade, and that, if it were possessed by the French, it would enable them to intercept all the western fur in its way to Oswego. The house, in its answer, assured the governour that in its opinion the dissolution of the late assembly was necessary to his majesty's honour, and to the interest and prosperity of the colony; and that the present assembly would so conduct itself as to give the people "no reason to repent of their choice." Colonel Morris immediately after moved for, and obtained, leave to bring in bills to regulate the elections of the assembly, and providing likewise for frequent elections; for settling and establishing courts of justice; for appointing an agent at the court of Great Britain, independent of the governour; for lowering the interest of money, and for regulating and establishing fees. Mr. Alexander obtained like

* Now in the county of Ontario, situated on the lake of that name, and about sixty miles from Oswego.

leave to bring in bills to encourage the importation of white people and servants into the colony ; for encouraging the making of iron, and raising of hemp ; and for guarding against abuses in the making and exportation of flour. The assembly then adjourned, in order to enable the lieutenant governour to go to Albany for the purposes he had mentioned. On the 2d September ensuing, the house again met. The lieutenant governour, in his speech, informed the assembly that he had been at Albany, and had sent an interpreter, a smith, and three other persons, to reside among the Senecas the ensuing year, to keep the Indians steady to their promise, not to suffer any Frenchman to build on their territory. He recommended the assembly to place the house at Oswego, the barracks at Fort George and Fort Hunter, in a better state of repair ; and concluded by assuring the house that he would concur in any measures necessary for the safety and prosperity of the colony.

§ VI. The house, departing from its accustomed mode of proceeding, instead of voting to take the lieutenant governour's speech into consideration, voted " that his honour the lieutenant governour be addressed." The members from New-York, Westchester, and Queens, were directed to prepare such address. Mr. Alexander then moved to bring in a bill vacating the seats of such members of the assembly as should accept of any office, gift, or grant from the governour or commander in chief. Five days after the commencement of the session, the address to the lieutenant governour was reported, and adopted without amendment. This address is worthy of particular notice. It forms an era in the history of our legislation, which is highly impor-

tant. Hitherto the crown and its ministers had been ignorant of the true sentiments of the people, and the firm and independent conduct of their representatives. The governours of the colony had not unfrequently led the ministry to believe that the assembly was a body of men ignorant of legislation, boisterous on some occasions, but easily soothed or fatigued into compliance. The government had yet to learn that there were men in this colony, whose firmness and patriotism would have done honour to the best days of Greece and Rome.

§ VII. The address is as remarkable for its style as for its matter. It commences with recognizing some of the vital principles of a good government. It affirms that none ought to represent the people but those who are freely and fairly chosen by them. That elections ought to be frequent, that experience had shewn the danger of trusting the same men too long with power: That the history of England proved that intrigues and corruption would inevitably destroy any government; and in fine, that proper checks and balances were necessary for the preservation of the liberty and happiness of any country. One sentence in the address deserves to be quoted. In speaking on the subject of the revenue, the house adopt this bold and energetic language.*

“ The true causes of the deficiency in the revenue, we believe, are too well known to your honour, to make it necessary for us to say much on that head; had the conspicuous loyalty of the inhabitants of this

* Smith, see page 369, gives the same extract. It could not, however, in the order of time, be properly omitted here.

province, met with a suitable treatment in return, it is not unlikely, that we should now be weak enough to act like others before us, in being lavish beyond our abilities, and raising sums unnecessary to be given, and continued the donation, like them, for a longer time, than what was convenient for the safety of the inhabitants; but experience has shewn the imprudence of such a conduct, and the miserable condition to which the province is reduced, renders the raising of large sums very difficult, if not impracticable; *we therefore beg leave to be plain with your honour, and hope you will not take it amiss, when we tell you, that you are not to expect, that we either will raise sums unfit to be raised, or put what we shall raise, into the power of a governour to misapply, if we can prevent it; nor shall we make up any other deficiencies, than what we conceive are fit and just to be paid, or continue what support or revenue we shall raise for any longer time than one year, nor do we think it convenient to do even that, until such laws are passed, as we conceive necessary for the safety of the inhabitants of this colony, who have reposed a trust in us, for that only purpose, and which we are sure you will think it reasonable, we should act agreeable to, and by the grace of God, we shall endeavour not to deceive them.*"

The assembly, in the address, took a general view of the colonial affairs. It adverted to the importance of having an agent at the court of Great Britain, to be appointed and paid by the house. It complained of the court of chancery not being regulated by law; that under governour Sloughter, in 1691, that court was established by an act of the general assembly, yet that since that time governours had "erected that court by an ordinance of themselves and council." "That they

could not be ignorant what dissatisfaction the erection of a court of chancery, in that manner, gave to the generality of the people." That the governours had treated the assembly with "unreasonable disregard and contempt." That some of the governours were wholly unfit for the duties of chancellor, or any other station, though "buoyed up and bloated with the fulsome addresses and servile flatteries of the instruments of their misrule and oppression." In fine, the whole address is a production honourable to the times in which it was formed, and evinces the proud, unbroken spirit of the colonists, incapable of being soothed or awed into submission, by the arts or power of their rulers. The lieutenant governour was not disposed to resist such a formidable combination. He thanked the house for its address, and assured it of his cordial co-operation in whatever was necessary for the good of the colony.

§ VIII. The assembly were now engaged in the discussion of contested elections, and undue returns made by the sheriffs. Mr. Cornelius Van Horne prayed to be heard before the house as to his claim to a seat therein, against Adolph Philipse, the member returned as elected. The house voted that neither Mr. Philipse nor Mr. Van Horne should be entitled to a seat, until their respective claims were investigated. A scrutiny was demanded and obtained, and upon this question a division was called and the house stood sixteen to eight. Let it be here remarked that this is the *first* division, in which the names of the members voting on each side, were entered on the journals of the house. After this period the practice became more common. It was likewise resolved, in the case of Mr. Alexander, that if he should act as a counsellor, during the continuance of

the assembly, that it would be a sufficient reason for expelling him from the house. The elections of colonel Frederick Philipse, a member from Westchester, and colonel Gaasbeeck Chambers, a member from Ulster, were also contested, but without success. The house came to a remarkable decision relative to the Jews. It resolved that none of the Jewish profession could either vote for representatives, nor could be admitted as witnesses touching any contested elections. The Catholicks and the Jews, had long been peculiarly obnoxious to the colonists. The first settlers being Dutch, and mostly of the Reformed Protestant Religion, and the migrations from England, since the colony had belonged to the crown, being principally Episcopal, both united in their aversion to the Catholicks and Jews. Mr. Adolph Philipse at length succeeded, and retained his seat in the house. A bill to appoint an agent at the court of Great Britain, and to be paid by the assembly, was brought in and speedily passed through the house. This bill, as usual, was resisted by the council, and the amendments proposed by that body, not being agreeable to the assembly, it was lost. The assembly, in consequence of what it deemed the unparliamentary conduct of the council, refused to receive any messages by the *clerk* of that body, insisting that they ought to be delivered by the hands of one of the council. The house ordered colonel Philipse, Mr. Verplank, and Mr. Johnson, to "deliver a message to the council signifying that the house desires satisfaction from the council, concerning the said innovation, which the house conceives is to the prejudice and derogation of the liberty of the general assembly of this colony." This vote indicates the bold and determined attitude of

the assembly ; its consciousness of the power with which it was vested, and its resolution to resist the least infringement of its rights. The governour and council were not disposed to provoke this spirit of the house, and prudently forebore from a repetition of the irregularity complained of, and so the affair dropped.

§ IX. The house, in committee of ways and means, voted a tax on the following articles imported into the colony during the preceding year : Forty shillings on each slave imported direct from Africa, and four pounds if imported from any other place ; thirty shillings on every pipe of wine ; two pence on every gallon of spirits, rum or other distilled liquors ; five pounds on every hundred pounds prime cost on British West India goods ; four shillings on every hundred weight of cocoa, and three per cent on all sales at auction. The house resolved that if any part of the said money should be paid by the treasurer before the passage of proper laws for the purpose, it should be deemed a misapplication, and the treasurer should be held accountable. So jealous was the assembly of the power of the governour and council, that not content with limiting all taxes to the term of one year, it would not even permit the monies so raised to be paid out or applied without its express authority. The interest of money was now reduced to seven per cent. The bill for the frequent election of representatives at length obtained the assent of the governour and council. This assent was not, however, cordially given. The lieutenant governour knew that the bill would not obtain the royal assent, as its character and views were too democrattick, and as it gave the people too great a share in the government of the colony. In 1739, the crown repealed this law, and

it was surmised, at the time, that the lieutenant governour had been instrumental in procuring this repeal.

§ X. The lieutenant governour, after giving his assent to twenty-nine bills, adjourned the house to the April following. Before it reassembled, the lieutenant governour thought proper further to *prorogue* it to the 29th of August, 1738. When it met on that day, the interesting question, how far a *prorogation* operated as a *dissolution*, was discussed. This discussion continued during three days. Precedents were searched into, authorities were quoted, and parliamentary customs were fully examined. The house decided, *unanimously*, that it was not dissolved, and that it did then lawfully and rightfully exist. This discussion being reported to the lieutenant governour, he addressed the house. He informed it of the afflicting death of her majesty, queen Caroline; he repeated his complaints that the house ought to settle a revenue for as long a time as former assemblies had done, and that unless this was granted, his duty to his majesty forbade him from assenting to any act to continue the excise and for sinking the colonial bills of credit. The house, after a long discussion, unanimously resolved that it would not pass any bill for the grant of monies, but with assurance that the bills of credit struck and issued in the years 1714 and 1717, should be redeemed, and also the excise act should be continued from November 1, 1739, for a sufficient number of years to cancel and destroy the said bills. This resolution was communicated to the lieutenant governour by Messrs. Schuyler and Johnson. These gentlemen having waited on the lieutenant governour, reported that his honour was pleased to answer, "that he could not give his

assent to such a bill unless the house would settle a support for as long time and in as ample a manner as had been given to former governours; neither could he consent to the appropriation of the money." A rupture between the executive and legislature was rapidly approaching. All good men saw, with regret, that pertinacious adherence to prerogative, on the part of the lieutenant governour, which tended to frustrate the wholesome measures of the assembly. The lieutenant governour had little reason to complain of the legislature. It had voted him a salary of 1560*l*. and had been lavish in its disbursements for the support of government. By limiting the duration of taxes to one year, it had shewed to the people the benefits arising from an annual meeting of the legislature, and it possessed no other means of coercing the crown to a due sense of its dependence on the affections and loyalty of the colony. But the lieutenant governour was not to be moved by considerations of this nature. He ordered the house to attend him, and in an angry strain of invective and abuse, told the assembly that its proceedings were "presumptuous, daring and unprecedented." That he could "not look upon them without astonishment, nor with honour suffer the house to sit any longer." He accordingly *dissolved* it. No bills were passed into laws at this session. Many were originated, but, by the dissolution, were lost. The character of the assembly, for firmness, in what it deemed the essential interests of the colony, cannot be disputed. The legislature began to perceive its importance in the scale of government. It possessed the germ of that independence and freedom which afterwards ripened and displayed itself in

securing the liberties of our country. It felt the dignity due to its own character, and neither ministerial smiles nor frowns, could sway it from the path of duty.

RECORD OF THE COURT

1857

At a Court of the County of ... held at ... on the ... day of ... 1857.

The Court met at ... and the following cases were called on for trial: ...

The Court adjourned to the next day, to-wit: the ... day of ... 1857.

HISTORY OF NEW-YORK.

PART IX.

Including from the year 1733 to 1741....Being a continuation of the Government under Lieutenant Governour Clarke.

§ I. State of Europe, and of the colony ; war between Great Britain and Spain. § II. Impressment of seamen resisted by the mayor of New-York ; spotted fever and small pox. § III. New elections of the assembly ; lieutenant governour's speech and proceedings of the house. § IV. Revenue ; prorogation. § V. Negro plot. § VI. Number executed, &c. and remarks. § VII. Meeting of the assembly ; progress of Christianity among the Indians. § VIII. Suggestions that the colony wished to be independent of the crown, considered.

THE state of Europe had been, for some time, unpropitious to the settlement of the colonies, or the increase of their commerce. Spain had sought occasion to embroil herself in the war with Great Britain. The convention made at Paris, in January, 1738, by which Spain had engaged to pay England 95,000*l.* for depredations committed by the subjects of the former on those of the latter, had been violated. Hostile preparations against Spain, seemed to be the constant theme of the English people. The ministry, unable to resist the clamour, granted letters of marque and reprisal.

The troops were augmented ; a fleet was assembled at Spithead ; a reinforcement sent out to admiral Haddock, and an embargo laid on all outward bound merchant ships. Every movement threatened an immediate rupture. Admiral Vernon was sent to the West Indies, to annoy the Spanish trade and settlements. The king of Spain, on his part, ordered all British ships, in his waters, to be seized and detained. In the end, war was declared by England against Spain, on the 23d of October, 1739. As early as February, 1736, governor Broughton, of South Carolina, had apprized the lieutenant governour of New-York, that a Spanish armament was preparing at Havanna, to attack Georgia and South Carolina. The lieutenant governour and council had, thereupon, forbidden supplies or arms to be shipped to the Spaniards, and an embargo was also laid on all vessels bound to St. Augustine.

§ II. A remarkable application was made by captain Norris, of the ship *Tartar*, then lying in the harbour of New-York, for liberty to impress thirty seamen, whom, he said, were much wanted by him to man his vessel. The lieutenant governour and council ordered the mayor of New-York to cause the impressment to be made. The mayor, with a firmness which did him much honour, peremptorily refused to obey the order, and the lieutenant governour and council prudently declined, though solicited, to take any further measures to comply with captain Norris' requisition. The colonists were yet ignorant of the practical operation of the doctrine of impressment. The spark of liberty, enkindled in their bosoms, could not be extinguished by the arts or arms of their rulers. The purple or spotted fever was said to be making great ravages in South

Carolina, and the small pox, another terrible enemy of man, was stated to prevail at Barbadoes and Antigua. The lieutenant governour and council ordered all vessels from South Carolina, Barbadoes and Antigua to perform quarantine.

§ III. The former assembly having been *dissolved*, a new election for representatives became necessary. In the city of New-York an entire change of members was produced. None of those who served in the last assembly were returned. Though great exertions had been made by the lieutenant governour to procure a house, less rigid and unbending than the former, he was equally unsuccessful in the attainment of his purpose. Whatever differences existed between the new members, on minor subjects of legislation, yet on those leading and important questions, of granting supplies for only one year, and of supporting the credit of the paper money of the colony, there was but one opinion.

The lieutenant governour opened the session, on the 27th of March, 1739. He told the house to imitate the British parliament, by granting liberal supplies. He reminded it of the gratitude it owed to his majesty, for his constant protection and support of the colonial trade, and of the rights and liberties of the colony. He earnestly recommended the house to provide for the long arrears due for the support of government. He again called its attention to the ruinous state of the fort among the Seneca Indians, and the barracks at Fort George. The complaint of the French endeavouring to alienate the affections of the Indians, was, as usual, a prominent subject of his speech. He also informed the house that the crown had repealed the law regulating elections of representatives, and concluded

by promising to give his assent to any bills the assembly should pass, provided it would do its duty in respect to the revenue. The house seemed to be even less courteous than the former assembly. On a division to take the speech immediately into consideration, only five members voted in the affirmative, and seventeen in the negative. The consideration of the speech was postponed for a week. The house likewise reduced the salary of the lieutenant governour, from 1560*l.* to 1300*l.* alledging the present embarrassments of the colony as the cause for this reduction. Little business was done, and the small pox being then prevalent in New-York, the house took a recess to August 29, 1739. When it reassembled, the lieutenant governour reminded it of the subjects contained in his former speech. He added that ship building was much neglected in the colony, and suggested the propriety of increasing it by a law to be passed for the purpose. He communicated to the house a letter from the governour of Massachusetts, and a vote of its assembly, signifying a desire to have the boundaries between the two colonies settled by commissioners. The small pox still continuing in New-York, the house, with the approbation of the lieutenant governour, changed its place of meeting to the house of Harmanus Rutgers, near the fresh water pond. No report having been made to the house of the expenditures of the sums voted in 1734, amounting to nearly 12,000*l.* for the purposes of erecting fortifications in New-York, Suffolk, Albany and Schenectady, the commissioners appointed for applying those monies, were directed to make report of the manner in which they had been applied. The treasurer was likewise directed to report the receipts into the

treasury, under the acts laying a duty of tonnage, for emitting certain bills of credit, for laying duties on sales at auction, and for collecting the excise duties. The house voted that it was the duty of the crown to supply the garrisons of the colony with bedding, kettles, bowls and platters, and that no tax ought to be imposed on the inhabitants for the purpose. About this time seventy families of Highlanders had arrived, and intended to make a settlement at Wood Creek. To enable them to do so, the government had allowed them a liberal compensation. The assembly were now proceeding to the subject of fortifications, always having in view, however, that all supplies should continue but for one year; that they should be limited in their application to the specifick purposes directed by the house, and that the credit of the paper currency of the colony should remain unimpaired.

§ IV. The lieutenant governour pressed the house to raise a revenue in gross, and to leave its application to the lieutenant governour and council. This, as usual, was opposed by the house, and the opposition was highly offensive to his honour. As a prelude to what he intended, the lieutenant governour sent for the house and *prorogued* them for a few days only, with a view, as he said, "that the members might seriously reflect upon these matters." This prorogation produced no change in the temper or disposition of the assembly, but rather served to increase its hostility to the court. The lieutenant governour seeing this spirit of the house, was fearful of proceeding to extremities. He gave his assent to the bill for supporting the credit of the paper currency, and the house voted the usual supplies for the support of government, and for victual-

ing five hundred men, to be employed in an expedition against the Spaniards. On the 17th November, 1739, the house was adjourned until the April following.

§ V. Subsequent to the next meeting of the assembly, certain events occurred, which, though they were not completely developed until sometime afterwards, it will not be amiss to notice here in connection. These events were calculated to awaken the feelings, and rouse the resentment of the colonists against the unfortunate Africans, who were devoted to a state of slavery. A robbery, which had been committed at the house of Robert Hogg, a merchant in New-York, on the 28th of February, 1740-1, seemed to have led to the discovery of a plot, which was afterwards called *the negro plot*. One Mary Burton, an indented servant to John Hughson, (a man of infamous character, and to whose house slaves were in the practice of resorting to drink and gamble, and of secreting the goods they had stolen) was the instrument, in the hands of the magistrates, for the detection and punishment of the offenders. On the 18th of March after the robbery, a fire broke out in the roof of his majesty's house at Fort George, near the chapel, consuming the house, the chapel and some other buildings adjacent. Most of the publick records in the secretary's office, over the fort gate, were fortunately rescued from the flames. A week after, another fire broke out at the house belonging to a captain Warren, near the long bridge, at the southwest end of the city. Both these fires were, at first, supposed to be accidental. But about a week after the last fire, another broke out at the store house of a Mr. Van Zandt, towards the east end of the town. Three days after a fourth alarm was given, and it was found that some hay was on fire

in a cow stable near the house of a Mr. Quick, or a Mr. Vergereau. The fire was soon suppressed. The people in returning from that fire, were alarmed by a fifth cry, at the house of one Ben Thompson, next door west of a captain Sarly's house. It appeared that fire had been placed between two beds, in the loft of a kitchen, where a negro usually slept. The next morning coals were discovered under a hay stack, near the coach house and stables of Joseph Murray, esq. in Broadway. All these circumstances having occurred in quick succession, the people were induced to believe that some designing persons intended to destroy the city by fire. What strengthened this belief, was, a seventh alarm of fire the next day, at the house of a sergeant Burns, opposite the fort garden, an eighth alarm occasioned by a fire breaking out the same day, in the roof of a Mr. Hilton's house, near the fly market; and again, the same afternoon, and within a few hours after, a ninth fire occurring, at colonel Philipse's store house. This strange coincidence of events, leaves indeed little room for doubt, that some one or more of the fires occurred through design. It was soon rumoured that *the negroes* were the perpetrators. One *Quacko*, a negro, belonging to a Mr. Walter, was said to have made use of some mysterious language and threats, indicating his knowledge of a plot. A proclamation was issued, offering rewards for the discovery of the offenders. Quacko, and several other negroes were apprehended and closely interrogated, but without effect. The supreme court, at its April term, strictly enjoined the grand jury to make diligent enquiries as to the late robberies and fires within the city. Mary Burton, who had been apprehended as a witness,

relative to the robbery at Mr. Hogg's, gave the grand jury reason to believe that she was also privy to the design to set fire to the city. After some difficulty, she made a disclosure, which, in all probability, was greatly exaggerated, though some of its parts might have been true. She stated that meetings of negroes were held at her master's [Hughson.] That their plan was to burn the fort and city. That one Cæsar, [a black] was to be *governour*, and Hughson, her master, *king* ! That they were to destroy the whites. That she had known *seven* or *eight* guns, and *some swords*, in her master's house ! That the meetings at her master's house, consisted of twenty or thirty negroes at a time ! Upon this evidence, warrants were issued, and many negroes committed to prison. One Arthur Price, a servant, charged with stealing goods, belonging to the lieutenant governour, likewise became informer. Being in prison himself, and having access to the negroes there committed, he received, or pretended to have received, much information from them. He was afterwards employed by the magistrates, to hold private conferences with the negroes in prison, and to use persuasion and other means to gain confessions from them. In this business he was peculiarly expert, and received the most unqualified approbation of the magistrates. Yet many of his stories are of such a chivalrous and romantic description as to excite suspicion of their truth. But every thing he related was implicitly believed. The more extravagant the tale, the more readily was it received and credited. A white woman, who was a common prostitute, and familiar even with negroes, of the name of Margaret or Peggy Salinburgh, *alias* Kerry, *alias* Sorubiero, likewise declared she could make

great discoveries. The magistrates eagerly hastened to take her examination, and the consequence was, that fresh warrants were issued for the apprehension of many other negroes, not before implicated. Informers were now rapidly increasing. Arthur Price, while in prison, was making great discoveries. Operating on the fears and hopes of the negroes, many declared themselves accomplices. The magistrates were unceasingly engaged. The grand jury were daily presenting bills of indictment against the parties accused. To be inculcated by Mary Burton, Arthur Price, or Peggy Salingburgh, was sufficient to authorize the indictment and conviction of any person. It is to be regretted that on proof of such suspicious characters, so many lives were placed in the hands of the executioner. Not that we dispute the fact that some of the fires were designedly set, but that we mean to be understood as doubting the extent and nature of the plot ascribed to the negroes. It is evident that Mary Burton was wholly unworthy of credit. Independent of the absurdity and improbability of many of her stories, she had, on the 22d April, in her first examination and disclosure under oath, declared, "that she never saw any white person in company when they talked of burning the town, but her master, her mistress and Peggy;" yet, on the 25th of June following, she deposed that one John Ury, a Catholick priest, (a *white person*) was often at her master's, and "that when he came to Hughson's, he [Ury] always went up stairs in the company of Hughson, his wife, and daughter, and Peggy, with whom the negroes used to be, at the same time, consulting about the plot;" and that "the negroes talked in the presence of the said Ury about setting fire to the

houses, and killing the white people." She afterwards, on the 14th July following, declared, on oath, that one Corry, a dancing master, (also a white person) used to come to Hughson's, and talk with the negroes about the plot. Yet on evidence of this kind, Ury, who had previously been committed under the act against jesuits and popish priests, was indicted, tried, convicted and executed. At the place of execution, he solemnly denied the charge, and called on God to witness its falsity. But Ury was a Catholick, and the publick prejudice was so strong, that it required very little more to ensure his condemnation. Had not Ury been obnoxious, on account of his religion, the accusation against him would perhaps have never been made, or, if made, would have been little regarded. Mary Burton, received the hundred pounds which had been promised as a reward for discovering the persons concerned in setting fire to the city. We shall now dismiss this article, after giving the number who were accused, tried, and suffered on this occasion, with some remarks, which grow out of this subject.

§ VI. One hundred and fifty-four negroes were committed to prison, of whom fourteen were burnt at the stake, eighteen hanged, seventy-one transported, and the rest pardoned, or discharged for want of proof. Twenty white persons were committed, of whom two only, John Hughson and John Ury, were executed. At this time, the city of New-York contained a population of about twelve thousand souls, of whom one sixth were slaves. If a plot, in fact, existed for the destruction of the city and the massacre of its inhabitants; and if that plot was conducted by Ury, it certainly betrayed greater imbecility of intellect, and want of caution

and arrangement, together with less union of action, than could have been expected from one who was evidently, if we believe his own account, a man of classical education, and profound erudition. It is worthy of remark, that Corry, the dancing master, accused by Mary Burton, was discharged for want of proof! It seems that Mary's testimony began, at length, to be doubted. Indeed, it well might; for had the prosecutions continued much longer, she would, more than probable, have accused a great portion of the white citizens of New-York, as being concerned in this plot. Daniel Horsmanden, esq. published, at the time, a history of this conspiracy and laboured hard to prove its existence and extent. But it is evident that that hostility to Catholicism, which the British government so industriously inculcated, tintured his mind, and gave it a bias unfriendly to the fair developement of truth, or to the full and impartial examination of facts and circumstances. The negroes were without defence. All the counsel in the city were arrayed against them, and volunteered their services on behalf of the crown, on the trial of those unfortunate slaves. The want of education, and utter ignorance of those infatuated wretches easily made them the victims of craft, and imposition. The hopes of life, and the promise of pardon, influenced some of them to make confessions. Yet falsehood was so ingeniously, and artfully blended with truth, that it was not an easy task to separate the one from the other. It must, however, be admitted, that many circumstances aided the opinion that the plot, in fact, existed, and if the people were mistaken in this, it was an error into which they might naturally fall at the moment of confusion and distress, and under the attending circumstances.

A day of publick thanksgiving for the deliverance of his majesty's subjects, from the alledged conspiracy, was appointed by the lieutenant governour, and was devoutly and reverently observed by the inhabitants.

§ VII. The assembly met in April, but immediately after adjourned. In September, 1740, it was again convened. The speech of the lieutenant governour strongly recommended war measures for the defence of the colony. He urged the house to grant further supplies for the support and maintenance of troops and forts, especially the fort at Oswego. He stated the rapid progress of Christianity among the Six Nations of Indians, where the reverend Mr. Barclay was successfully combating the delusions of infidelity and paganism. He solicited the house to raise a revenue for a term of years, as former assemblies had done, and not to limit its duration to one year. It was in vain, however, for the lieutenant governour to press this latter topick on the house. Their resolution was fixed, and so highly indignant were some of the members at this attempt, that a motion made by Mr. Nicol, to reduce the lieutenant governour's salary to 780*l.* was lost, on a division, by a majority of five voices only. The sum of 1,300*l.* which had before been allowed, was then proposed, and carried by a small majority. The house likewise voted that it would not subject the colony to any additional taxes, to aid the contemplated expedition against the Spanish settlements; plainly intimating that it was the province of the crown to support its own wars. Captain Johan Jost Herkimer, Mr. Henry Van Rensselaer, Mr. John H. Wendell, and Mr. Gerrit A. Lansing, were directed to victual the

garrison at Oswego. Thirteen acts were passed at this session. The militia act was amended, and the tax on cider, pork and beef was repealed, but the duties on sales at auction were increased, to make good the deficiency in the revenue. The house did not meet again till the 15th April, 1741.

§ VIII. It requires but little discernment to perceive the growing importance of the legislature of the colony. In almost every struggle with its governours, it was successful. In fact, the purse and the sword were in the hands of the assembly. Publick monies could no longer be misapplied. The revenue was limited to one year, and the lieutenant governour was compelled, from that circumstance alone, to call the legislature together annually. This unyielding spirit of the assembly, as it was termed by the lieutenant governour, induced him to believe that the colony wished to throw off her dependence on Great Britain. In his speech to the house in April, 1741, he alludes to "a jealousy, which, for some years, had obtained in England, that the plantations were not without thoughts of throwing off their dependence on the crown of England." That such a jealousy, even at that early day, had prevailed in some of the cabinet circles in England, was strictly true, but it was impolitick and unwise in the lieutenant governour to touch upon so delicate a subject. An allusion of the kind, rather served to enkindle than extinguish such a sentiment. The colony of New-York was the most loyal of all his Britannick majesty's possessions in America. From duty and inclination, she was sincerely attached to the British government and nation. Whatever speculations or theories might have been indulged in, by some of its inhabitants, a vast majority of them

entertained no wish for a separation from the mother country. The speech, therefore, was illy calculated to sooth the feelings of the people. Distrust and want of confidence naturally beget each other. The people perceived that no sacrifices on their part could procure the respect or command the confidence of their rulers. After the colony had exhausted every effort to support the rights and honour of the British crown, and expended much of her best blood and treasure for the purpose, it was cruel to tell her that she was a wayward, disobedient child, who was struggling for emancipation from paternal authority. The answer of the house was dignified, loyal and respectful. In style and matter, it is a state paper of no little value. Nor was the speech of the lieutenant governour deficient in either. Both were superior to the speeches and answers which had usually been made.

HISTORY OF NEW-YORK.



PART X.

Including from the Year 1741, to the Year 1743, when Governour Clinton arrived, and terminated the Administration of Lieutenant Governour Clarke.



§ I. The speech of the lieutenant governour in April, 1741. § II. Remarks thereupon. § III. Answer of the assembly. § IV. Its proceedings. § V. Cuba taken by the British ; speech and answer in September, 1741 ; proceedings of the house. § VI. Arrival of governour Clinton. § VII. Character of the lieutenant governour.



IN the preceding chapter we briefly noticed the speech of the lieutenant governour, and the answer of the assembly, at the April session, in 1741. These papers shall now be more particularly considered. As evidence of the temper of the times, they may justly be deemed valuable. On the part of the lieutenant governour every effort had been made to produce an effect on the house. He commences his speech with referring to the revolution which placed William and Mary on the throne, and secured a protestant succession to the nation : That that revolution had protected the colony in the enjoyment of its civil and religious rights and privileges : That the colony had been more highly favoured than any other of his majesty's pro-

vinces; and that, in grateful return for this protection, its former assemblies had, for many years, supported the government conformable to the practice of the parliament of England: That, like parliament, these assemblies had never questioned the king's royal prerogative, and undoubted right to appoint officers for the management of the revenue. But late assemblies, having grown wanton by prosperity, had abused the clemency of the crown, and had demanded the nomination of their own treasurer: That this demand having been granted, so far as related to the management of monies raised for extraordinary uses, the legislature were emboldened, after the year 1709, further to insist on the particular appointment of the salaries of the officers of government, and absolutely refused to raise any revenue unless this demand was likewise granted: That consequently his majesty's auditor general was left without any salary; "thus fixing on themselves the dependence of the officers for whom they provided, (for men are naturally servants to those who pay them) and, in effect, subverting the constitution, by assuming to themselves one undoubted and essential branch of his majesty's royal prerogative." That he now hoped the house was returning to a sense of duty to his majesty, and would make parliament the model of its proceeding: That this conduct alone would remove the jealousy prevailing in Great Britain, that the colony wished to be emancipated from the crown, and would enable "his majesty to pay his own officers and servants, whereby they will be reclaimed to their proper dependence:" That a speedy rupture with France was to be apprehended, and that timely provision should be made against the consequences of that event: That his ma-

jesty had ordered large quantities of military stores and ordnance to be sent to the colony to aid in its defence : That the garrison at Oswego ought to be augmented, and the militia of the colony placed under better regulation : That an agent, of known integrity and ability, was necessary at the court of Great Britain. He then adverted to the late fires in the city of New-York, and concluded by recommending the house to provide for the rebuilding of the chapel, &c. in Fort George, which had been destroyed, and for placing the slaves under greater restrictions.

§ II. The speech is replete with useful political matter. It will be seen that the democrattick branch of the colonial government had placed the governour, and almost every other officer, in a state of dependence on its votes and measures. Not a single shilling could be withdrawn from the treasury, but by legislative consent. This was peculiarly galling to the lieutenant governour. It had stripped him of that executive patronage and influence, which was deemed by him so essential to the support of his administration. In truth, it was a great step towards that independence which was afterwards obtained. Thus, at an early day, the colonists had successfully contended with the crown for a due participation of power. Revolutions seldom go backwards. The mind that has been long accustomed to think with freedom and decision is not readily induced to yield, or to recede from the course it has once adopted. The assembly knew its power, and was determined to retain it. It placed little dependence on the faith of kings or governours, when unrestrained by some equiponderating influence. It was a just remark of the lieutenant governour, *that men are naturally servants to those who*

pay them ; but he was not equally fortunate in his allusion to the practice of the British parliament. He had forgotten the *annual subsidy bills*, so often insisted upon by the house of commons, as a check upon the inordinate ambition and power of the crown. Nor was it correct to say that the crown had protected the colony in the enjoyment of its civil and religious rights and privileges. On the contrary, the ruinous wars, which the British government had frequently waged, so destructive to the commercial and agricultural prosperity of its colonies, and the heavy expenses which were defrayed by this colony, as well towards the support of those wars, as to its defence against the incursions of the Indians, had shewn that it owed little to the crown on the score of gratitude, or protection. The expense of the arms and military stores, which had been sent over by the British government, to aid in our defence, amounted only to the paltry sum of 8563*l.* 12*s.* 3*d.* which was not one fourth of the amount of the taxes we had raised, within a few years past, for the like purpose. In what particular, therefore, the colony had been “more highly favoured than any other of his majesty’s provinces,” it was difficult to discover. A reference to its history will shew that New-York had borne greater hardships, expended more monies for the support of government, and had exhibited more loyalty and patient endurance, under all its difficulties, than any other of his majesty’s colonies.

§ III. The assembly in its answer (which was said to be the production of colonel Morris) assured the lieutenant governour of its intention to provide for the support of government, and the defence of the colony, in the best manner its ability and circumstances would

allow : That the house viewed the revolution as a blessing to the country, and admitted the protection it had received from the crown, yet that " it must be owned, on the other hand, that, in grateful return, the assemblies did, from time to time, cheerfully support the government, and made ample provision for all expeditions, as well as for all other exigencies, for the security of the colony, and the service of the crown : " That while publick monies were at the disposal of the governour and council, they were misapplied, and that the assembly, to correct the evil, directed such monies as were raised for the forces intended for the security of the colony, to pass through the hands of a person appointed by the legislature : That queen Ann had sanctioned this procedure, and allowed the colony to have a treasurer of its own : That to discharge the heavy debts it had incurred, the excise duties had been, and still were, pledged for its redemption : That formerly the rents reserved to his majesty, on lands granted in the colony, all seizures, forfeitures and dues, that arose in it to the crown were applied for the support and incidental expenses of the government : That though this application was now discontinued, yet the legislature had granted a more ample support than any of the neighbouring colonies : That it had provided largely for firewood and candles for his majesty's troops ; that it had granted considerable presents to the Six Nations of Indians ; that it had erected, at a vast expense, a battery of fifty guns, at the entrance of the harbour of New-York ; and also new forts at Albany, Schenectady, and among the Mohawk Indians ; besides victualling five hundred troops on an expedition to the West Indies : That

though deficiencies in the revenue, to the amount of several thousand pounds, had arisen, while publick monies were under the controul of the governour and council, yet the house had never failed in granting the necessary supplies for the support of government : That the house disavowed any intention of throwing off their dependence on the British crown, affirming its loyalty and attachment to his majesty : That the auditor general (Horatio Walpole, esq.) would, no doubt, receive a compensation from the king ; yet that considerable sums had passed through the lieutenant governour for his use : That trade and commerce had diminished : That this was to be ascribed to the heavy burthens laid upon commerce, from which many evils were to be apprehended, and that “ many instances might be given where the channel of trade has been diverted, it has rarely (if ever) been retrieved :” That an agent at the court of Great Britain would be of essential benefit to the colony, “ *if depending on, and payable by, the general assembly.*” and that the house indulged the hope that if a bill for the purpose was presented to the lieutenant governour, it would receive his assent : That the house would make provision for repairing the loss, by the late fires, in Fort George : That it regretted that among the military stores which had been sent over for the defence of the colony, a sufficient quantity of gunpowder had not been provided, a duty which the crown had ever observed in regard to this country : That the expense of transporting the military stores, mounting the guns, and other necessary expenses, would be duly attended to : That the better regulating the negroes, and the other subjects recommended by the lieutenant go-

vernour would be duly considered and acted upon by the house. In this paper warfare between the lieutenant governour and the assembly, the latter had evidently the advantage. In the speech we observe those efforts of a high toned ambition to place the government out of the reach of the people ; while in the answer a firm, yet moderate, adherence to truth, is its distinguishing trait.

§ IV. Notwithstanding the decided attitude of the house, it voted liberal supplies for the support of the war. 3,281*l.* 13*s.* 11*d.* were voted for military works and preparations in and about New-York. 200*l.* were voted for fitting out two sloops to go in search of some Spanish privateers which were hovering about the harbour. 50*l.* were promised by the house to each volunteer who should be maimed or disabled in that service. Meanwhile provision was made against the irruptions of the Indians on the frontiers, and for securing the friendship of such as were considered in the British interest. The commissioners of Indian affairs at Albany (Myndert Schuyler, Abraham Cuyler, Dirck Ten Broeck, Ryer Gerritse, Johannis Lansing, junior, Hendrick Ten Eyck, John Schuyler, junior, and John De Peyster) informed the house of the scarcity of provisions among the Seneca Indians, and of the design of the French to effect a settlement at Tierondequat. The house voted monies to purchase provisions. The grand jury, which had presented indictments against such as were concerned in the *negro plot*, were called in, and publickly thanked, by the speaker, on behalf of the assembly, for their vigilance and attention, in bringing the offenders to justice. After a few bills were passed,

relating principally to fortifications, the house was adjourned to the September following. In giving the details of the executive and legislative proceedings of the colony, we are ready to remark the same dull monotonous course on the part of the governours, at almost every session. The topics which occupy their speeches, are revenue, fortifications, the decay of trade, and the condition of the Indians. Seldom diversified with other matter, their addresses are barren as to state affairs, of more general importance. If, therefore, the historian should be charged with a repetition of the same subjects, let it be remembered, that the same subjects were constantly presented to the consideration of the legislature: That the circumscribed sphere, to which we are limited, forbids a detail of facts, not immediately connected with our history; and that we are treating of a colony, not of a kingdom. A colony too, containing a population even less than that of the city of New-York, at the present day.

§ V. Before the next session, the British forces had succeeded in effecting a landing on the island of Cuba, and general Wentworth had urged the lieutenant governor to send him additional forces. It was also understood, that a governor [Clinton] had been appointed to supersede Mr. Clarke, in the government of the colony. Mr. Clarke urged this circumstance to the house, at its September session, as an evidence of his being disinterested in the subjects he pressed upon the consideration of the assembly. He likewise called its attention to the importance of passing laws for the inspection of flour, the staple commodity of the colony. He again urged the house to provide for the rebuilding

of the edifices in fort George, which had been destroyed by fire, not forgetting the stale and often repeated subject of raising a revenue for a term of years. It was wonderful that the bold and inflexible spirit of the house had not taught him the vanity of hoping for success on this last, but, to him, most interesting topic. The house voted an address to his honour. The intrepid colonel Morris was one of the committee appointed to prepare it. It is an address of great length and uncommon ability. It will be unnecessary to review it in detail, as most of the subjects it embraces have already been anticipated. Several petitions were presented from persons who had been confined for debt for several years, praying legislative aid for their discharge. Bills for their relief were ordered to be brought in. The quakers, being by the laws of the colony exempt from serving as jurors, an attempt was made to take away their privilege by bill; but the house rejected it, by fifteen votes to three. 500*l.* were voted for transporting one hundred effective men to the West Indies. Daniel Horsmanden, esquire,* was requested by the house to collect and revise the laws in force, with suitable notes and references. It does not appear, however, that this work was ever completed. The house, in a humble address to his majesty, prayed that the crown might grant a sufficient sum to rebuild the edifices, which had been destroyed by fire, in fort

* Mr. Horsmanden was a judge of the supreme court. To his age, and growing infirmities, may be ascribed the introduction of that article in our state constitution which limits the duration of the office of judge.

George. After the lieutenant governour had given his assent to eleven laws, the house adjourned till the 16th March, 1741-2. Among the number of laws passed, we do not find any which afforded relief to unfortunate imprisoned debtors ; so much was the government wedded to that sanguinary policy which stains the annals of English jurisprudence, and permits an exasperated creditor to incarcerate his unfortunate debtor for life. The house in its next session, (and which was continued to October) was principally occupied in making appropriations for the defence of the colony, and raising a revenue sufficient to meet the expense. It again met in April, 1743. Several of the magistrates of the colony having been proceeded against by *information*, (a powerful instrument in the hands of the crown lawyers) for not repairing the court houses and gaols in their counties, a bill was directed to be brought in to prevent such vexatious proceedings in future, but it did not pass into a law.

§ VI. On the 23d of September, 1743, his excellency George Clinton, who had been constituted governour of the colony, arrived, and his appointment was duly proclaimed ; thus superseding Mr. Clarke in the government of the colony.

§ VII. When we consider the administration of lieutenant governour Clarke, we shall find little to distinguish it from that of his predecessor ; at least in one important particular, namely, that of a strict and pertinacious adherence to *prerogative*. It cannot be denied that he possessed a greater share of prudence, and certainly more talents for government,

than Cosby. During a period of more than seven years he evinced, with but one or two exceptions, a strong desire to conciliate the affections of the people. Apart from his notions of monarchy, he contributed much to the prosperity of the colony. His constant attention to the promotion of trade and commerce, entitle him to applause. Though he did not possess the suavity of manners which distinguished his predecessor, he was his equal in integrity, and far his superiour in acquired knowledge and vigour of intellect. His speeches do credit to him as a scholar, and his arguments required the combined talents of the assembly to weaken or destroy.

George Clarke was descended from an ancient and respectable family, of that name, in Somersetshire, whose family residence and estate was at Swainswick, near Bath, and in whose possession, as tradition goes, is a sword, said to have belonged to King Bladud, who first discovered the virtues of the Bath waters. Mr. Clarke, in early life, pursued the study of the law, and was married to Miss Ann Hyde, an heiress of the elder branch of the house of Hyde, in the county Palatine of Chester, about the year 1703 or 1704. He came over to this country, and continued in the service of the crown and colony till after the breaking out of the war in 1743, when he was superseded by Mr. Clinton. In the year 1745, on his return to Great Britain, he was captured by the French, but soon after being released, he retired, for the remainder of his days, to the city of Chester, where he died in 1763, and bequeathed his property to his only surviving male issue, George and Edward, who, with four other of his children, were born in the

state of New-York. George was many years secretary to the province, which he resigned about the year 1772, and died at Hyde, in the year 1776, having never been married. Edward was in the army, and commanded a company of Albany provincials, at the taking of the Havanna, under lord Albermarle ; and for his services was made a major on the field. He afterwards went over to Jamaica, having retired from the service, and again returned, in 1772, to this country ; from whence he went over to England and died in 1774. He left only one son, George Hyde Clarke, whose eldest son George, is the present possessor of the estates of his ancestors in this state, and has two sons, in this country, viz. George Hyde, and Edward Hyde, who, on the 5th of August, 1811, declared their intention of becoming citizens, in conformity to the act of congress to establish an uniform rule of naturalization. We have been led into this lineal detail, because, in reverting to our history, we find this family among the few that were high in office, who have retained their possessions through the convulsions of the revolution.

At the close of the administration of Clarke, the finances of the colony were not in the most prosperous condition. The duties on negro slaves, wine, rum, brandy, cocoa, and dry goods, from September, 1741, to September, 1742, amounted to 2197*l.* 7*s.* 1 $\frac{3}{4}$ *d.* only ; while the expenses of government, for about the same period, amounted to upwards of 4600*l.* This deficit is to be ascribed to the enormous salaries allowed to the lieutenant governour, and other officers, and to the large sums of money expended for military pur-

poses, and for securing and retaining the friendship of the Six Nations of Indians. Whenever the governours of the colony required heavy requisitions to be made upon the purses of the people, they had only to inform the assembly of the evils to be apprehended from the intrigues of the French among the Indians, of their attempts to alienate their affection from the British, and of the danger to the religion and liberties of the people, from the efforts of popery, like true protestants and Englishmen, they immediately voted large supplies.

HISTORY OF NEW-YORK.

PART XI.

*Including from the Year 1743 to the Year 1745, being
two Years of Governour Clinton's Administration.*

§ I. Arrival of governour Clinton. § II. The pretender obtains the French interest in his favour for the invasion of England ; war between France and England. § III. Meeting of the assembly. § IV. Its continuance regulated ; measures of defence and other proceedings. § V. April session, 1744 ; assembly unite with the governour in war measures. § VI. Remarkable claim of lieutenant governour Clarke. § VII. July session. § VIII. Bill requiring test oaths ; British fur trade ; defence of Oswego. § IX. Cannon sent to Georgia ; complaint by Virginia against the Indians. § X. Invasion of Canada ; paper currency. § XI. Assembly disinclined to attack Canada ; rupture between it and the lieutenant governour ; dissolution of the house.

THE arrival of Mr. Clinton diffused no little joy throughout the colony. Very favourable accounts of that gentleman's talents and liberality had reached the inhabitants, and they were induced to believe that his whole attention and services would be devoted to the prosperity of the country. His address to the legislature, on his arrival, tended to confirm these favourable impressions. His assurances that the welfare of the colony should be his "chief care and study," were re-

ceived with unbounded confidence. Mr. Clinton, according to the practice of former governours, on the first publication of their commission, dissolved the general assembly, and issued writs for a new election; a practice highly agreeable to the people, and especially at the present juncture of affairs in England.

§ II. The chevalier de St. George, (the pretender,) owing to the dissensions in the British parliament, had been encouraged to believe that a powerful party in England and Ireland were ripe for a revolt in his favour. He had given the French court to understand that if he, or his eldest son, Charles Edward, a youth of promising talents, could appear at the head of a French army in England, a revolution in his favour would be the immediate consequence of his enterprise. Little argument was wanting to engage the French ministry in his interest. An invasion was soon meditated, and the expedition was placed under the direction of count Saxe, who was to command fifteen thousand men. A great number of vessels was assembled for their embarkation at Dunkirk, Calais, and Boulogne, with a view of effecting a landing in Kent, in England, under convoy of a strong squadron, which was preparing at Brest. In January, M. de Roqueseuille, sailed from that port with twenty ships of war. The English government was not unapprized of these hostile preparations, and every exertion was made to guard the coast against the threatened invasion. The French king declared war against England on the 20th day of March, 1744, and on the 31st of the same month, England made a similar declaration against France.

§ III. To alarm the colonists, to call their loyalty into action, and to induce them, like true Englishmen; to direct all their energies to one object, it was only necessary to tell them that their religion and their liberties were in danger from the pretender and the pope; an association of characters which was the constant representation of rebellion, treason and destruction. Colonel Morris, who has already been mentioned, reported an address to his excellency, at the November session, in 1743. This gentleman, although hostile to the court, could not resist the powerful influence which these threatened multiplied evils had produced on the minds of the people. He was, as usual, returned a member from Westchester, and the address, which he reported to the assembly, was an effusion of loyalty to the British king, and exhibited a zealous adherence to the religion of his ancestors. The speech of the governour was mild and unassuming. The answer was complimentary, and passed over in silence all the former subjects of difference between the executive and the assembly.

§ IV. Yet soon after the opening of the session, the house recurred to a discussion which had hitherto frequently occupied its attention. It voted, *nemine contradicente*, that a bill be brought in to ascertain the continuance of this and all succeeding general assemblies in the colony. It will be seen, from the history of the colony, that the frequent adjournments, prorogations, and dissolutions of the assembly, on account of their attachment to the interests of the people, were particularly obnoxious. Besides, the great expense incurred by these pow-

erful instruments of monarchical power, the people were often required to make an election when, but a few months before, their representatives had been discharged from service on the charge of obstinacy and disloyalty ; and the whole force of executive influence was directed against their re-election. It is true that these efforts were generally unavailing ; but feuds and quarrels were created thereby unfriendly to the peace and comfort of the colony. The bill for limiting the continuance of the general assembly was passed, and received the assent of the governour. At this session likewise a bill for the relief of imprisoned debtors was passed into a law. The militia of the colony was placed under better regulation, after some difference of opinion between the house, and the governour and council. The credit of the paper currency was supported by a law ; legacies were made recoverable in the courts of common law, and the annual supply bill was, as usual, discussed, and, after some restrictions, received the assent of the governour and council. The small pox prevailing in some of the West India islands, occasioned the introduction of strict quarantine regulations. Although the bill for regulating prosecutions by *information* passed the house, it was not acted upon by the council. The attorney general, it seems, had too much influence with that body, to permit so lucrative a branch of his business to be sacrificed. The governour, after communicating to the house the European intelligence he had received in relation to hostilities with the French, and exhorting the house to unite in resisting the encroachments of the enemy, adjourned the house to April, 1744. All local subjects of dispute among

the colonists, seemed now to be absorbed in the more important considerations of warfare and defence.

§ V. Ardent in the support of the British crown against the power and influence of the French and the pretender, the people were not inclined to examine too closely the conduct of their rulers. So zealous was the assembly in the cause of their king, that at its April session, in 1744, it united in addressing the governour to thank him for his speech, and to express the abhorrence of the base designs of his majesty's enemies of invading his kingdom in favour of a popish pretender ; declaring how sensible they were of the happiness they enjoyed under his majesty's reign ; and that their civil and religious rights, next under God, depended on the protestant succession in his illustrious house : That they would cheerfully concur in every measure for the security and welfare of the colony, which they were well assured his excellency had sincerely at heart. The sincerity of the assembly, in this address, is evident from the earnestness with which they pursued the system of defensive measures. Upwards of four thousand pounds were voted for fortifications, and other military operations ; a tax upon all the estate, real and persoal, of the inhabitants, was likewise voted to defray the expense. The house requested the governour to send a detachment of troops to Oswego, which post, it was said, was in danger from the enemy, and voted to pay the charge of transporting and victualling those troops.

§ VI. The former lieutenant governour, Clarke, presented a memorial to the house, setting forth that the sum of 13,203*l.* 17*s.* 1½*d.* was due to him from the colony, as well under several of its laws, as by virtue of several

warrants signed in council, and praying that the treasurer of the colony might be directed to pay it. The treasurer having been served with a copy of this memorial, repelled the charge made by Mr. Clarke, insisting that not more than one thousand and sixty-two pounds was due to Mr. Clarke, and that he would long since have endeavoured to pay the arrears, could he, the treasurer, have obtained from Mr. Clarke any account of the several bills or drafts on him, payable to other persons, in order to compare and examine the same with his own accounts: That Mr. Clarke had, during his whole administration, been as duly paid, if not better, than any governour or commander in chief. This altercation only proved that Mr. Clarke was willing to indulge his spleen against a faithful officer, who could not be made subservient to his political views. The subject did not again appear before the house, although Mr. Clarke was served with a copy of the treasurer's denial of the facts charged in his memorial.

§ VII. The assembly, having taken a short recess, was reassembled in July. The governour, in his speech, informed the house of the war in Europe, and of the causes which produced it. He stated, that the several fortifications in New-York, Albany, Oswego, and the garrisons throughout the colony, required augmentation and support: That some cannon and ammunition had been sent to Oswego, together with a reinforcement of men: That a detachment had been sent to Saratoga: That an interpreter had been sent to the Indians; and that six of them had likewise been employed as scouts, and to watch the motions of the enemy: That at the interview which his excellency had with the Six Nations of Indians, at Al-

bany, they appeared disinclined to take a part in the war, unless the French attempted to invade the province: That commissioners from Massachusetts and Connecticut had likewise attended that interview, in order to revive the ancient amity and alliance, which subsisted between those provinces and the Indians, and his excellency had given encouragement to that object as a measure which would strengthen his majesty's interest in America. He also exhorted the house to provide against attacks upon the coast, and to take measures to guard the colonial commerce from the depredations of the enemy. He regretted the heavy expense to which the people would be subject, but he trusted that the important objects in view, viz. the protection of their civil and religious rights would be a sufficient compensation for the expense. The assembly directed its clerk to write circular letters to all the members of the house, requiring their punctual attendance. It afterwards voted, unanimously, that as his majesty was engaged in a war with France and Spain, the house would provide ways and means for putting the colony into such a posture of defence as would on the one hand discourage the enemy from making an attack, and on the other, would excite the inhabitants to make a vigorous defence, in case such attack should be made. The assembly were industriously employed in preparing for the war. Supplies were liberally voted.

§ VIII. A bill was brought in, requiring all persons in the colony, to take the oaths appointed by parliament for the security of the government and the protestant religion. Mr. Jones, from Queens county, opposed the bill. He stated that there was not one papist or jacobite in a hundred in the colony, and that the

provisions in the bill were unreasonable, and placed the inhabitants under restrictions, which were improper and unnecessary: That the loyalty of the colony was never doubted, and that the bill seemed to imply that there were reasons to question their allegiance to the British crown, which was a reflection highly unjust and injurious. In support of the bill, it was urged that in Dutchess county, a number of Moravians were unfriendly to the government, and secretly exciting the Indians to revolt. The bill was carried by fourteen votes to seven. *Quakers* were indulged in *affirming* instead of swearing. Meanwhile the war had occasioned considerable alarm along the frontiers. Their exposed situation, as it regarded the French government, in Canada, and the Indians in the interest of that crown, had seriously injured the British fur trade, from which great profit had been derived. The Indian traders, at Oswego, had abandoned the place upon the first notice of the war. This gave great encouragement to the French, who improved it much to the disadvantage of the English. The Indians began to look to the enemy for protection, believing the English were too weak or too pusillanimous to defend their rights. An attack upon Oswego was likewise designed by the enemy. The assembly ordered that a detachment should be sent from Albany to increase the garrison at Oswego, and voted, that in case that place should be attacked, further reinforcements should be sent, at the expense of the colony. Vigorous measures were, every where, adopted to give the enemy a warm reception. Stephen Van Rensselaer, esquire, had engaged to furnish fire wood and candles for all the garrisons in Albany county, and the house voted the necessary supplies. 90% were vot-

ed to Mr. Jacobus Bleecker, for his services, as interpreter for the Indians. 220*l.* were appropriated for presents to the Indians, and for the expenses of the commissioners for Indian affairs at Albany. Large sums were voted for other purposes, and nothing was wanting to evince the loyalty and zeal of the assembly. Several French prisoners having been brought into the colony, the governour requested the house to make provision for their support. The assembly, in its answer, proposed that the prisoners should, without delay, be sent out of the colony, as the charges of the war were already sufficiently severe upon the people. The governour assented to the reasonableness of this proposal, and gave assurance that speedy measures should be adopted to carry it into effect. The prisoners were afterwards sent to St. Domingo, under a flag of truce.

§ IX. The proceedings of the governour and council were alike decided with those of the assembly. Fourteen twelve pounders were sent by that body to general Oglethorpe, the governour of Georgia, to aid in the defence of that colony. Supplies were prohibited to be sent to Cape Breton, and the exportation of gunpowder was interdicted. A complaint was made to the council by the governour of Virginia. He stated that some of the Six Nations of Indians had appeared on the frontiers of that province, and had killed some of the white people, and carried off their property. The commissioners of Indian affairs addressed the governour on the subject, who sent an interpreter to Onondaga, to make enquiries from the Indians. The interpreter returned with an answer from them, denying the complaint in part, and adding that the Virginia people first fired upon the Indians.

§ X. The English government now gave express orders to the governour, to carry hostilities into the enemy's territory. The Canadas were always viewed as an object of the greatest importance to the British crown. The present war afforded an opportunity of obtaining this prize, and the governour was known to be devoted to the interest of the ministry, and that he would leave no expedient untried to prevail on the assembly to second the crown in this enterprise. Accordingly, at the March session, in 1744-5, he informed the house, that the attempts made by the French, the preceding summer, upon Annapolis, had induced the province of Massachusetts to form a plan for invading the French settlements in Canada; and that governour Shirley wished the colony of New-York to co-operate with Massachusetts in this design: That he, Mr. Clinton, had sent ten pieces of ordnance to Boston, and he urged the house to adopt measures for carrying on an offensive war against the French. Before the house proceeded to consider the speech of the governour, the intelligence, received from England, relative to the paper currency of the colony, became highly alarming. The speaker declared, from the chair, that there was a bill pending before parliament, to prevent the issuing of colonial bills of credit, and the making them a legal tender in payment of money: That this bill, if passed, would be injurious to the colony. The house appointed a committee to consider the subject. This committee made a long report, clearly evincing the utility of this species of paper money; and that, without it, the colony would not have been able to support the government, especially in raising forces; and that the credit of those bills had never been impaired. The

house voted that agents should be employed in England to oppose the bill before parliament.

§ XI. The house now entered upon the subjects recommended in the governour's speech. Contrary to parliamentary usage, it neither voted an address to the governour, nor any answer to his speech. A strong party was forming to oppose those gigantick views of conquest, which the British entertained as it regarded the Canadas. The house was resolved upon defending the colony and securing the friendship of the Indians ; but it deemed the conquest of Canada a business of the crown, and not appertaining to the colonial affairs. This sentiment of the house was offensive to the governour, who had sent assurances to England of the willingness of the colony to support the war, and that it was here a very popular measure. On the 14th of May, 1745, he sent for the assembly ; he charged the house with rudeness and incivility in omitting to answer his speech : That sufficient provision had not been made for enabling the governour to have the necessary interviews with the Six Nations of Indians, and for making them suitable presents : That by thus neglecting the means of securing the fidelity of the Indians, the enemy were enabled to seduce them from their allegiance, and to gain an ascendancy over them : That the erecting of blockhouses and forts, and the maintenance of scouts, to watch the motions of the enemy, had not received due attention from the house. The governour, after complaining of some other matters, dissolved the house. This was the first open disagreement between the assembly and Mr. Clinton. Its causes were easily traced. The taxes imposed upon the colony were already very great, and the house felt

no disposition to increase them, unless for the purposes of *defence* only. On the other hand, the Canadas were too valuable an acquisition to the crown to be abandoned. Yet the charge of supporting a war against a kingdom so powerful as France, was burdensome to the nation; and it was natural to suppose that the ministry wished the colony to participate in the expense.

Other subjects of irritation likewise existed between the governour and the house. Richard Bradley, esq. his majesty's attorney general, had made himself obnoxious on account of the enormous exactions he had imposed upon the people. The assembly had determined to restrain the exercise of this officer in regard to *informations*. The governour and council were resolved to support the attorney general. Besides, the governour thought himself ill treated in other respects. Intelligence had been received that seven French ships of war, viz. two of seventy-four guns, two of sixty-four guns, two of fifty-six guns, and one of thirty-six guns, with upwards of twenty sail of transports, and three thousand six hundred troops, had arrived at Martinique, for the American station. This fact had been communicated to the house, as well as certain letters from the duke of Newcastle, signifying his majesty's orders as to the mode of carrying on the war, and as to an attack upon the French settlements in Canada. Commodore Warren likewise had received instructions from the crown to demand assistance from the colonies, either in men, provisions, or vessels. All these subjects, though pressed upon the house, were not regarded in any particular manner, nor called from them any further measures or support. It may be added, that

the governour had laid before the assembly a petition from some of the settlers on the northern frontiers, setting forth their exposed situation as it regarded the Indians, and praying for protection, and that the house had taken no order upon it. All these circumstances tended to widen the breach between the governour and the legislature ; and what at length, in addition to other causes, created an open rupture, was the omission of the house in providing for repairs done to the fortifications at Oswego at the commencement of the French war, and in furnishing lieutenant Butler with necessaries for his passage to Oswego the preceding fall. The governour's pride was likewise sensibly affected by the high and decided tone assumed by the house as it related to the government in general. He made use of the following language to the house : " You have adventured to take upon you the assignments of the plans for erecting batteries within this city ; to direct the number of guns to be placed upon them, and to order the issuing out of gunpowder provided for the use of the publick, without consulting me in either respect ; which, in effect, is assuming the administration of the government, and wresting his majesty's authority out of the hands of the governour. Thus from an invincible untowardness on the one hand, and an inordinate thirst of power on the other, you have become, as it were, a dead weight against the other branches of the legislature."

Yet if we consider the proceedings of the house in their true light, we cannot concur in the severe censure which was cast upon it by the governour. All its proceedings are strongly marked with attachment to the

crown and resolution to defend the rights of the colony. It had been lavish of its resources, and had imposed heavy burthens upon the people to assist in the prosecution of the war. It had voted premiums to such privateers as should take or destroy any of the armed vessels of the enemy between certain places on the coast. It had resolved to place the city of New-York in a posture of defence, and had directed estimates of the expense to be laid before the house ; and by which it appeared that nearly 3,000*l.* would be necessary for the purpose. The punctilio insisted upon by the governour, that it was his exclusive right to assign places for erecting fortifications, was hardly worthy of notice at this crisis, unless the exercise of it by the assembly had been abused or neglected ; this indeed was not pretended. Although the assembly had not, at this session, co-operated with the neighbouring colonies in the proposed attack upon the French settlements in Canada, yet this omission had not proceeded from a want of loyalty, nor was it just to make it a subject of complaint.

The forwarding of cannon to Boston, and also to the province of Georgia, (the very freight of which had been paid by the assembly) was surely an act which deserved some credit from the governour on the score of liberality and patriotism. No “ inordinate thirst of power ” had influenced the legislature in its deliberations, unless that may be so termed which tended to check the misapplication and waste of publick monies. If the house could be charged with “ invincible untowardness,” it was only in resisting the overgrown influence of the crown and of its ministers. If the assembly “ assumed the administration of the government,”

it was to protect the subject from oppressive taxation, and to secure the liberties of the people from tyranny and despotism. Posterity will always remember, with gratitude, the men, who, in the worst of times, and without shrinking, could meet the frowns of a government, whose lust of power and culpable ambition could involve in misery and ruin the very people it was bound by every sacred tie to foster and protect.

HISTORY OF NEW-YORK.

PART XII.

Including from the Year 1745 to the Year 1746.

§ I. Massachusetts requests the aid of New-York in an expedition against Louisburgh; Warren arrives with a fleet; success before Louisburgh; its capitulation. § II. Military operations on the frontiers of New-York; inhabitants of Albany alarmed; Hosick deserted, and Saratoga destroyed; incursions of the enemy. § III. Frontiers of New-England invaded; Stockbridge attacked, and Woodstock destroyed. § IV. Grand conference with the Indians at Albany; commissioners from four colonies attend; conference terminates in partial success; Massachusetts dissatisfied with New-York. § V. Meeting of the assembly, and preparations for defence. § VI. The governour demands the assistance of the Six Nations of Indians; reward for scalps voted. § VII. General Fuller's regiment arrives and sent to Albany; forty thousand pounds voted to be raised by tax. § VIII. Day of fasting and prayer ordered; a Lutheran priest forbidden to preach, and doctor Magraw suspected. § IX. State of the frontiers in 1746; murders, &c. by the Indians. § X. Disagreement between New-York, Pennsylvania and Connecticut as to supplying the Indians with provisions, &c. § XI. Meeting of the assembly in April; governour's message. § XII. Expedition against Canada; proceedings of the assembly; mortality in Albany.

FRANCE and England were now preparing to prosecute the war with vigour. Their respective colonies, on the American continent, were inflamed with the

same zeal ; and their hostilities, though less important in their consequences or extent, were carried on with equal resolution. At an early day, governour Shirley, of Massachusetts, had communicated to the governour of New-York, his desire of forming an expedition against Louisburgh,* and requesting the co-operation of New-York. Governour Shirley represented that such an expedition could not fail of success, if aided by a British naval force, which was hourly expected. He urged the raising of troops and munitions of war for the purpose, and the necessity of despatch. He stated that the colony of Massachusetts had, at great expense, furnished even more than her quota of men. The assembly of New-York, which was then sitting, voted five thousand pounds towards the expedition. The fleet which had been destined for the American station, under commodore Warren, had, shortly before, arrived,

* Louisburgh, the capital of Sydney or Cape Breton island, is situated in N. lat. 45, 54, W. long. 59, 55. Its harbour is one of the finest in North America ; being almost four leagues in circuit, and having six or seven fathoms water in every part of it. Louisburgh stands on a point of land on the S. E. side of the island. Its streets are very regular and broad, consisting mostly of stone houses, with a large parade, at a little distance from the citadel, the inside of which is a fine square, near two hundred feet every way. On the north side, while possessed by the French, stood the governour's house and church ; the other sides were taken up with barracks, bomb proof. Cape Breton remained in possession of the French till 1745, when it was captured by the New-England militia. It was afterwards restored to the French, and again taken in 1753. It was ceded to Great Britain by the peace of 1763. Cape Breton may be considered as the key to Canada. It is separated from Nova Scotia by a narrow strait, called the Gut of Canso, which is the communication between the Atlantick ocean and the gulf of St. Lawrence,

and proceeded to the attack on Louisburgh ; while the New-England troops, upon landing, took possession of one of the principal batteries, which was precipitately abandoned by the enemy. This success enabled the British forces to command the harbour ; and all communication with the place, both by land and water, was cut off. The French made an unsuccessful attempt to relieve the place, and one of their sixty-four gun ships, coming with succours, was taken by the English. Warren, at this time, laid before the town with five ships of war, of considerable force, and expected speedily an addition to his squadron of a sixty-four and a forty-four gun ship. In June, 1745, Louisburgh capitulated, and was taken possession of by the English forces.

§ II. While these events were passing, the colony of New-York was busily engaged with matters which more immediately concerned her welfare and protection. Intelligence had been received that 1500 of the French and 100 of the Indians intended to surprise the English settlements near the mouth of the St. Lawrence, and on their return, to attack Oswego. Colonel Schuyler and major Collins, who had been directed to build six block houses at Saratoga, were obliged to desist, on account of the great numbers of the enemy's Indians, who were constantly on the watch, and cutting off supplies and troops. Nor were the inhabitants of the city of Albany and of the adjacent country, less alarmed for their safety. Murders and robberies, by the Indians, were constantly occurring, and but within a few miles of the city. A draft of two hundred men was made for the relief of Albany and Schenectady. This detachment was taken from the militia of Ulster, Dutchess, Orange, Westchester, Queens, and Suffolk.

The town of Hosick was deserted by its inhabitants, and towards the close of the year [November 16, 1745] the country or settlements, called Saratoga, was almost literally depopulated. The Indians had burnt the houses and fort, and committed many murders, pursuing their ancient mode of warfare of scalping those unfortunate men, women and children, whom they captured. The alarm had even spread into Ulster and Orange, and had reached the frontiers of New-Jersey and Pennsylvania. Colonel De Kay was sent into Orange county to appease the Indians residing in that quarter, as they had exhibited great uneasiness. The people of Esopus* and Minisink had learnt that a plan was to be set on foot by the Indians the ensuing winter, for destroying those places, and that large quantities of snowshoes had been provided for the expedition. Many families made arrangements for quitting the country. Every where Indian barbarities were committed; while the English government, too much engaged in foreign conquest, had left the colony to its own protection against the irruptions of a savage enemy.

§ III. The frontiers of the New-England colonies were likewise exposed to attack. Governour Law, of Connecticut, had communicated the intelligence that Stockbridge was beset by six hundred French and Indians, while but a short time before, Woodstock, a flourishing village, in Connecticut, had been destroyed, and one hundred and fifty or two hundred of its militia cut off. To add to this catalogue of misfortunes, the Six Nations of Indians, who had long been in the

* Now called Kingston, situate in Ulster county.

English interest, were unwilling to engage in the war against the French or their Indians.

§ IV. In October, 1745, upwards of five hundred of the Six Nations had assembled at Albany, to hold a grand conference with commissioners from New-York, Massachusetts, Connecticut, and Pennsylvania. On this occasion, the governour, Daniel Horsmanden, and Joseph Murray, of the council, attended on the part of the colony of New-York; John Stoddard, Jacob Wendell, — Wells, and — Hutchinson, on behalf of Massachusetts; Roger Wolcott, and — Stanley, of Connecticut; and Thomas Lawrence, John Kinsey, and Isaac Norris, of Pennsylvania. It is proper here to notice, that about a month before this conference took place, Massachusetts had declared war against the Canada and eastern Indians, on account of the barbarities which had been committed by them on the frontiers, and that the Mohawks had been invited by the government of Massachusetts to join in the war against the others. This conference, therefore, at Albany, was principally with a view to conciliate the Six Nations of Indians, and to induce them to take up the hatchet against the French. It was not, however, attended by those advantages which had been anticipated. Although this conference was held in a style of dignity and solemnity, which had seldom, if ever before, been witnessed; although men of the first talents and respectability, from four different colonies, had united their influence and exerted their eloquence in persuading these savages to take a part in the war, yet the characteristick cunning of that people was proof against all these arts. Whether it was a deficiency in the presents which were made them; or, an aversion to enter into a

war against the French Indians, with whom they had heretofore been on terms of friendship; or whether, as they pretended, they must first consult the Indians living more northerly, before they could give their consent, cannot now be ascertained. Certain, however, it is, that the answers they gave at the conference were evasive and unsatisfactory to the commissioners. At one time they said that they would first send to the Canada Indians, and demand satisfaction from them for the murders they had committed, and if not given, then that they would enter into the war. Again, they would pretend that rumours had been spread abroad, that the English and the governour of Canada were in a secret understanding to destroy the Indians, and take away their lands: That it had likewise been reported that the Albany people intended to kill the Mohawks, and to take possession of their land. The commissioners entered into long discussions with them on these various subjects, and shewed their entire falsity and absurdity. No argument, however, could serve to convince them of the propriety or necessity of immediately joining in the war. All that could be effected was a treaty with the Indians, by which they stipulated that in case they could not within two months procure satisfaction from the French Indians for their hostilities upon the borders of New-England, or in case any further hostilities should be committed, then they would, upon receiving orders from the governour of New-York, join in the war. After the making of the treaty, an express arrived with intelligence that another attack had been made on the New-England frontiers. The commissioners from Massachusetts thereupon demanded that the governour of New-York should issue orders to the In-

dians for immediate hostilities. The governour did not concur in this demand inasmuch as the two months allowed to the Indians had not yet expired. The commissioners from Massachusetts testified much dissatisfaction at this conduct, and intimated that they expected that the governour of New-York would, in this emergency, have immediately taken decisive measures. The governour, however, was unwilling to commit himself in this affair. He told the commissioners from Massachusetts that he would lay the subject before the general assembly and council, and take their opinion upon it. The commissioners from Massachusetts threatened to represent to the king the conduct of the governour of New-York, and how reluctant he had been in supporting the war or in securing the attachment of the Indians. Much altercation ensued. The governour of New-York sneeringly enquired what the colony of Massachusetts had heretofore done to conciliate the affection of the Indians, unless when some private object was to be gained exclusively by that colony? Whether, in times of peace, that colony had not wholly neglected taking any measures in relation to them, while New-York, at a great expense, had annually made them presents, and taxed her inhabitants to defray it? In the end the conference failed in answering the expectations which had been raised, and the commissioners separated from each other with sentiments of jealousy and disgust.

§ V. The assembly, which met on the 25th of June, 1745, were addressed by the governour on the state of the war, and the necessity of pursuing vigorous measures to support it. The house were inclined to concur with the governour, and seemed disposed to be lib-

eral in granting supplies. Henry Beekman, of Albany, was authorized to provision the garrison at Oswego, which was ordered to be doubled in number. Col. Philip Schuyler was directed to purchase gunpowder for the use of the fortifications at Albany. Col. Elijah Hutchinson was authorized to perform the same services in Suffolk county, while John De Peyster and Philip Livingston, jun. esquires, were directed to provision the detachment of militia to be used in defence of the frontiers, and particularly Oswego. A large sum of money was voted to the commissioners of Indian affairs for scouts and other purposes of protection and defence. Anthony Bleecker, John Abeel, and Gerardus Lansing, who had resided among the Onondaga Indians the winter before, were compensated for that service, and Jacobus Bleecker, the Indian interpreter, was retained in that appointment. Nearly four thousand pounds in addition were voted for fortifications and repairs in and about New-York, and for raising troops to be sent to Oswego. The fortifications at Schenectady were also put in a better state of defence.

§ VI. The destruction of Saratoga authorized the governour of New-York to demand assistance from the Six Nations, according to their treaty at the last conference. Accordingly he informed the assembly that their aid should be required. At this session a vote was taken which can only be justified on the ground of retaliation. The house voted a reward of ten pounds for the scalp of every male of the enemy above the age of sixteen years, but if such male were taken prisoner alive, then the reward was doubled. This last was a humane provision, which took away the temptation to

commit murder. The house ordered the bill to be brought in at the next meeting, and, when it passed, it contained some other provisions which softened its more obnoxious features. The enemy's Indians had, in many instances, been guilty of the most shocking murders, and had usually destroyed and scalped the prisoners they had taken. The retaliatory system adopted by the assembly, was productive of good effects, and checked this barbarous warfare, so repugnant to the principles of humanity.

§ VII. The house, when it met, in December, 1745, was informed, by the governour, of the fears which had been entertained for the safety of Albany, and that some of his majesty's troops had been sent up for its defence. General Fuller's regiment had arrived at New-York, the preceding February, and had been placed in the fort till captain Peter Winne, one of the representatives from Albany, could employ sloops to carry them to Albany. The governour laid before the house letters from colonel Philip Schuyler, major Jacobus Swartwout, Cadwallader Colden, esquire, and lieutenant governour Phipps. All but the last, related to the active operations of the enemy, the defenceless state of the country, and the necessity of further measures of defence. Lieutenant governour Phipps's letter contained a proposition for concerting measures to annoy the enemy, in unison with the colonies of New-York, Connecticut, New-Hampshire, and Rhode Island. The assembly did not immediately act upon these subjects, owing to the shortness of the session. Nor indeed was it practicable to proceed with any prospect of success, until the necessary funds were raised. Accordingly, in July, a bill for raising 40,000*l.* by tax, passed

the assembly, and received the assent of the governor.

§ VIII. Notwithstanding the colony was engaged in a very ruinous war, which called for all her fortitude and resources, yet she was not inattentive to her religious concerns. On the 26th of February, a day of fasting and prayer was directed to be observed throughout the colony, in order to implore the divine goodness, to crown his majesty's arms with success, and to protect the inhabitants from the barbarous incursions of the Indians, and the still more detestable plots of the French, and the pretender. Nor was the government disposed to permit schismatical preachers to disseminate their doctrines among the people. A Mr. John Lodowyck Hoffgood, a Lutheran priest, was forbidden to preach until he had obtained the governor's license; and a doctor Magraw, suspected of being a pensioner to the French, was restrained by the council in the liberty he had formerly enjoyed.

§ IX. In the beginning of the year 1746, the enemy and their Indians had become so elated by success, that marauding parties had frequently been seen within a very short distance of the city of Albany, and some of them, when protected by the night, had even ventured into the suburbs of the city, and there laid in wait to take prisoners. One of the enemy's Indians was peculiarly expert in enterprises of this kind, and had seldom failed of securing and carrying off his prey, without hindrance or detection, even within the confines of the city of Albany. Many singular stories are related of this Indian, who was called Tomonwilemon. In May, two negroes had been carried off by a party of French Indians, about eight miles from Albany.

Major Collins, with about seventy men, went in pursuit of the enemy. One hundred and six men likewise were detached from the city of Schenectady. The track of the Indians was discovered by the fires they had made, and they were pursued above Schenectady, but without success. At the house of one Simon Groat they had murdered and scalped a boy, taken one man prisoner, plundered and set fire to the house, and shot a man in attempting to escape by swimming over the river. Hostilities of this description were so common, and so difficult to guard against, that the whole country was in a state of alarm, and many of the inhabitants, with their families and valuables, were seeking shelter in the nearest block house or fortification they could find. Abraham Glen, esquire, of Schenectady, applied for permission to raise a company of one hundred volunteers, for the defence of the frontiers, which the governour and council thought proper to grant. The inhabitants of Claverack and Kinderhook solicited protection from the enemy, and urged the necessity of having garrisons in two block houses, to the northward and eastward of Kinderhook. The province of New-Jersey began now to be also seriously alarmed. Her government directed five hundred men to be raised, and that a bounty of 6*l.* should be allowed to each man. The sum of 2000*l.* for other charges, incident to that service, was likewise ordered to be raised.

§ X. A disagreement between the colonies of New-York, Pennsylvania and Connecticut, as to supplying the Six Nations of Indians with the provisions of war, was productive of ill consequences to the common cause, and seemed to keep alive the jealousy

which had, for some time before, existed. The general assembly of New-York, at its June session, had voted that the colony would, in common with the neighbouring governments, bear a proportionate part of the expense of furnishing provisions for such of the Six Nations, and of those in alliance with them, as would proceed on the expedition against Canada. The legislature of Connecticut, to whom this vote had been communicated, declared that it was unreasonable for New-York to expect from them the assistance desired, inasmuch as those Indians were within the territory and government of New-York. The legislature of Pennsylvania made for answer, that it did not appear that the king had directed any application to be made to that colony; but, on the contrary, had recommended that matter to the government of New-York; besides, the religious principles of the Pennsylvanians would not permit them to be concerned in the business of conquest or invasion. It will thus be perceived, that though the British colonies were each of them eager in the prosecution of the war, yet that the main object of the English government in uniting their efforts against the common enemy, was, in part, unattained.

§ XI. In April, 1746, the governour informed the assembly that admiral Warren requested a reinforcement of troops to be sent to Louisburgh, and that the king had directed to be sent to the colony, a skilful engineer, to assist in repairing our fortifications, erecting batteries, and building forts upon the frontiers, under the direction of the governour, for the time being; and that the said engineer should be allowed twenty shillings *per diem*, for his services: That captain Collins, from

Virginia, was making the best of his way for Cape Breton, with the transports under his convoy, and that he could not lose time to stop at New-York to take the Ruby under his care ; but that this ship might remain till she could sail under convoy, or until further orders. The governour urged the house to employ a privateer to convey forces to Louisburgh, as there was reason to apprehend an attack from the French. The assembly having maturely considered the message of his excellency, were of opinion, that as the colony was very much exposed, and most liable to the attempts of the enemy, no troops could at present be sent out of the colony without greatly endangering her safety.

§ XII. The fears of the assembly were not without foundation. It was soon found, [in June] that unless a large force was sent to the frontiers, the French and Indians would be completely masters of the country. Captain Livingston moved that provision should be made for sending four hundred and fifty men, and fifty Indians to the northern frontiers ; and the motion being carried, it was sent to the governour for concurrence. On the 6th June, the governour sent a message to the house, the subject of which, for many months after, almost exclusively occupied its attention, and was deeply interesting to the colony. It was no less than an expedition against Canada, which had been determined on by the British ministry, and was to be carried into effect by the strength of the English colonies, aided by a naval force from Great Britain. The message stated that the governour had received a letter from the duke of Newcastle, bearing date the 9th of April preceding, (and which letter had been transmitted to him by express from Governour Shirley) by

which his majesty had thought proper to order an expedition against the French settlements in Canada, and that the governours of his majesty's colonies should raise as many men within their respective governments as the shortness of the time would permit. That each company should consist of one hundred men : That the troops so to be raised in N. York, New-Jersey, Pennsylvania, Maryland and Virginia, should be placed under the command of Mr. Gooch, the governour of Virginia, who had been promoted to the rank of a brigadier general. The governour, in his message, urged the happy consequences which would result to his majesty's colonies, and the British interest in general, from the success of such an enterprise, and that he was well assured that the house would co-operate with its usual ardour in support of his majesty's honour and service, and for the advancement of the common cause. The house, with an unanimity seldom before known, addressed the governour in the most loyal manner, evincing the great pleasure with which the message was received. The members, in their answer, assured the governour that their hearts and hands should be unceasingly employed in the great work set before them, and that they would come to such resolutions as should immediately forward the important design : That the whole of their proceedings should be conducted with such unanimity and despatch as would add to the pleasing hopes of a happy success, and prove them fully sensible of their duty, loyalty and gratitude to his majesty ; of the due regard to the ease, welfare and security of those they represented ; and of that just resentment which should animate them in opposing the perfidy and cruelty of their most dangerous enemy. This answer, as may well

be supposed, was very agreeable to the governour. In his reply he returned the house his most hearty thanks for its becoming loyalty and gratitude to his majesty, and the great satisfaction he had received in witnessing the zeal and resolution of the assembly. Although the heavy debts which had been contracted by the colony, for its defence, were severely felt by the inhabitants, yet the house immediately voted a bounty of six pounds, over and above the king's pay, to each able bodied man who should voluntarily enlist in his majesty's service on the intended expedition. 6000*l.* were likewise voted for the immediate purchase of five hundred and seventy-five barrels of pork, three hundred and thirty-seven barrels of beef, one hundred and eighty thousand weight of brown biscuit, six thousand gallons rum, fourteen hundred and six bushels of Indian corn, the like quantity of peas, twenty thousand weight of bacon, and twenty-four barrels of rice, for victualling the forces that were, or might be raised, in the colony, for the said expedition. Major Van Horne, captain Richards, Dirck Ten Broek, and Mr. John J. Cuyler, were appointed commissioners for procuring the provisions so voted. A bill to prevent the exportation of provisions, gunpowder, arms, and all kinds of ammunition and warlike stores, was brought in and passed. A joint committee, of the council and assembly, was appointed to consider of the most speedy and effectual means to be adopted by the colony in forwarding the intended expedition. The governour directed the commissioners of Indian affairs at Albany, to invite the Indians to a conference on the 20th June, in order to engage them in the war, and recommended them to provide for some additional presents to be made to them at the time.

He also told the house that he had written to the governours of the neighbouring colonies, to prevail with them, to join in the expense of engaging the Indians in the war. The house resolved, that in their opinion, the neighbouring colonies should bear a proportionate part of the expense of provisioning the Indians employed in the contemplated enterprise. It also declared, that every person who should voluntarily enlist into his majesty's service, should be exempt from all arrests for any debt due to any one person, under 20*l*. and from being impressed or detached upon any future service, for the term of two years after such enlistment. An additional bounty of 40*s*. and a blanket, was voted to be allowed to each of the first thousand men who should enlist into the service. A bill for impressing ship carpenters, house carpenters, joiners, sawyers, and their servants, and all other artificers and labourers, for the building of battoes, and also for impressing horses, waggons, and all other things necessary for carrying on the expedition against Canada, with the utmost despatch, was proposed and speedily passed into a law. Three hundred men were likewise ordered to be detached from the city and county of Albany, to serve on the expedition against Canada. Nothing could damp the zeal and ardour of the assembly in advancing the proposed conquest, and in adding lustre to the British character on this side the Atlantick. Although the inhabitants of the colony groaned under this accumulated weight of glory, which was to immortalize the valor and extend the dominions of his Britannick majesty in America ; still, every measure was cheerfully adopted to give full effect to the intended enterprise. The session, which had been protracted by

frequent adjournments, was again closed, by adjournment, on the 29th of July, not, however, without an address, on the part of the assembly, to his majesty, congratulating him on the successes of his troops in Europe over the forces of the French, and the pretender, assuring him of the loyalty and affection of his dutiful subjects in the colony of New-York. In the summer of the year 1746, the city of Albany was visited by a contagious disease, which proved mortal to a great number of its inhabitants. In its appearance and effects it resembled the disease which has been since denominated the yellow fever. The Indians then encamped near the city, experienced the ill effects of this complaint, and many of them became its victims. The governour, who was in Albany, dismissed them from any further attendance, on account of the ravages of the contagion. The disease subsided as the cold weather advanced, and by winter it had wholly disappeared.

HISTORY OF NEW-YORK.



PART XIII.

Including the remainder of the Year 1746, and part of the Year 1747.



§ I. Indians pledged to join in the war. § II. Legislature refuse further supplies ; provisions seized at Albany by order of the governour. § III. Resolutions of the house thereupon. § IV. Governour's answer ; further resolutions of the house ; prorogation. § V. Failure of the campaign. § VI. Difference between the governour and assembly ; governour's address ; disposition of the forces ; reflections on the people of Albany. § VI. Assembly resent the insult ; insinuate fraud in the governour in regard to the Indians ; house adjourned. § VIII. Reassembled ; refuse to provide for the pay of the troops, insisting that furnishing their provisions was sufficient ; governour resorts to frequent adjournments in order to fatigue the house ; the attempt ineffectual. § IX. Assembly importuned to join Massachusetts and Connecticut ; its resolutions thereupon ; proceedings of the house. § X. Dispute with regard to the four companies at Albany, &c. assembly refuse to supply them ; garrisons at Oswego and Saratoga.



ON the 14th day of October, 1746, the general assembly was again convened. Owing to the indisposition of the governour, he could not attend the house in person to open the session. He requested the speaker to lay before the house the speech he had prepared ;

which, after a declaration on the part of the house that the proceeding was unparliamentary, he was permitted to do. In this speech the governour informed the house that the Six Nations, and the neighbouring Indians, whom he had met at Albany, in the preceding July, had, in the most solemn manner, pledged themselves to take a part in the war against the enemy: That Mr. Gooch, the governour of Virginia, had declined accepting the command of the proposed expedition against Canada: That a fleet had been seen off Nova Scotia, which was suspected to be the enemy's Brest squadron: He recommended the raising of further supplies for the management of the Indian affairs, and concluded by exhorting the house to unanimity and despatch. Before the house took the governour's speech into consideration, its attention was called to the disordered state of the publick finances. Mr. Clarkson, according to leave, brought in a bill for appointing commissioners to examine, and state the publick accounts of the colony from the year 1713. After which 6500*l.* were voted for victualling the troops destined for the expedition against Canada, during the time they should remain in winter quarters at Albany, and 200*l.* more were allowed for the expense of transporting provisions to that place.

§ II. The house also resolved that no further provision should be made for the detachments of militia sent from the several counties to Albany, in May and June, than what had already been allowed for that purpose. It was now evident, from the temper of the house, that the governour was not at present to expect any further extraordinary supplies for carrying on the war. Besides, a controversy arose, during this session, which widened

the breach between the governour and the legislature, and was productive of serious inconvenience to the warlike operations then about to be continued. A complaint was made to the house by Cornelius Van Horne and Paul Richards, esquires, the commissioners appointed to purchase provisions for the forces raised by the colony on the expedition against Canada, relative to certain provisions which had been forcibly seized and taken under authority from his excellency. Upon the investigation, it appeared that the houses of John J. Cuyler and Dirck Ten Broeck, esquires, (the commissioners at Albany) had been broken open by Henry Holland, esq. and a large quantity of provisions taken away. That this act of violence had been committed in consequence of a refusal, by the last named commissioners, to supply four independent companies of fusileers from the publick stores, as the commissioners deemed the demand irregular and not warranted by the act under which they were appointed : That the governour had thereupon ordered the said provisions to be seized for the use of the four companies.

§ III. This conduct on the part of the governour, inflamed the house to such a degree, that it came to the following resolutions :

“ *Resolved*, That it is the opinion of this house, that his excellency was ill advised in granting the warrant for issuing provisions, for the four independent companies of fusileers.

“ *Resolved*, That the commissioners for issuing the provisions at Albany, to the troops levied in this colony, on the expedition against Canada, in refusing to deliver any of the said provisions, for the said four inde-

pendent companies, did their duty, and acted agreeable to the law, which intrusted them with the issuing thereof.

“ *Resolved*, That the order issued by colonel John Roberts, to Henry Holland, esquire, for impressing provisions from the commissioners at Albany, appointed by an act of this colony, for issuing the said provisions, is arbitrary and illegal.

“ *Resolved*, That colonel John Roberts, having issued an order to Henry Holland, esquire, for impressing provisions from the commissioners at Albany, appointed by an act of this colony, has therein acted arbitrarily and illegally, and is guilty of a high misdemeanour.

“ *Resolved*, That the breaking open the store-house at Albany, where part of the provisions designed for the forces, raised by this colony, on the expedition against Canada, were lodged, and forcibly seizing and taking away the said provisions, is arbitrary, illegal, and a manifest violation of the rights and liberties of the subject.

“ *Resolved*, That Henry Holland, esquire, having broke open the said store at Albany, where the provisions intended for the forces, raised by this colony, on the expedition against Canada, were lodged, and forcibly seizing and taking away the same contrary to law, is guilty of a high crime and misdemeanour.

“ *Resolved*, That any person in authority, using threats to influence any officer appointed by law, to act contrary to their duty, is illegal and a high misdemeanour.

“ *Resolved*, That Cadwallader Colden, esquire, one of his majesty's council, having threatened the aforesaid commissioners for issuing the provisions at Albany, that

if they would not undertake to transport the said provisions along with the army, the provisions should be taken from them, and other commissioners appointed in their stead ; has acted illegally, and is guilty of a high misdemeanour.

“ *Resolved*, That it is the opinion of this house, that it will be in vain for this house to furnish provisions for subsisting the forces, raised by this colony, on the expedition against Canada, until proper assurances be given, that an effectual stop shall be put to such proceedings.

“ *Ordered*, That Mr. Cruger and Mr. Nicoll, wait upon his excellency with these resolutions, and desire that he will be pleased to order his majesty’s attorney-general to prosecute the aforesaid delinquents.”

These resolutions are given to shew the firmness and undaunted conduct of the assembly, rather than to justify the conduct of the commissioners or of the house. The dispute seemed more to involve a point of etiquette, relative to *official* rights, than a question which concerned the essential interests of the colony. The four companies were undoubtedly a part of the troops necessary to carry on the war, and though the act of the governour might have been precipitate, yet it was certainly well intended and calculated to promote the publick service. But the truth was, the governour had taken into confidence Mr. Colden, and some others, who were particularly obnoxious to the assembly. Any measure which could have a bearing upon either of them, was agreeable to the house, and was adopted with eagerness and vigour.

§ IV. The governour’s answer was moderate and respectful. He stated the causes which had induced him

to direct the seizure of the provisions in question : He explained the difficulties which had arisen during the campaign, and that a council of war had been called, who advised the proceedings complained of. The assembly, however, was not yet appeased. It resolved, “ That the answer returned by his excellency, to the resolutions of this house, of the 8th inst. is in no respect satisfactory ; and that this house cannot, in faithfulness to the people they represent, pass any bill for a further allowance for provisions, for the forces raised on the expedition against Canada, whilst the notorious abuses committed in such as have been already provided, are openly avowed and encouraged. That whoever advised his excellency to return such an answer, have endeavoured to create jealousies and dissensions among the several branches of the legislature ; have encouraged a manifest breach of the laws of this colony, and are enemies to the constitution thereof—That as soon as proper assurances shall be given, that the abuses committed in respect to the provisions already furnished for the subsistence of the forces, raised on the expedition against Canada, shall be effectually prevented, this house will cheerfully pass a bill for a further ample allowance for the subsistence of the said forces ; and that until such assurances be given, this house cannot, in justice to the people they represent, proceed upon any business whatsoever.”

The governour again endeavoured to conciliate the house. In his message, he regretted that his answer to the resolutions of the house was not satisfactory. He assured the house that all possible care should be taken of the provisions which had been seized ; that an exact account thereof should be laid before the assembly.

That body seemed, at length, to be pacified. The bill for making further provision for victualling his majesty's troops, and for other publick services, was passed, and received the assent of the governour. The house was shortly after prorogued to the 24th March, 1747. The expedition against Canada, it will be perceived, had not yet met with the success that had been anticipated. Many causes had united in obstructing the attainment of this object. Much time had been consumed in gaining over the Indians, and raising supplies and men. The colonies had not combined their forces ; the British fleet had not arrived in season ; and much jealousy prevailed between the provincial governments in relation to the manner of conducting the enterprise, and of defraying its expense. The governour was so sensible of these difficulties, that in his address to the assembly, in March, 1747, he complained of the loss of the campaign, and ascribed it principally to the above mentioned causes ; yet that he entertained hopes from the arrangements that had been made, that the ensuing campaign would prove more successful. He stated that two forts were to be built at the carrying place,* near Crownpoint, for the security of the magazines and stores, and of the frontiers ; and transmitted to the house a computation of the expense for making an attack on Crownpoint.

§ VI. The assembly and the governour again differed on some subordinate questions concerning the new levies, and the employment of troops to scour and range the woods in the county of Albany. This difference produced a long and animated discussion, and a minute detail of the operations of the government for

* From the N. end of lake George to the W. end of lake Champlain.

the preceding year. The governour stated that the allowance of one shilling a day, for such of the new levies in Albany county as were to scour the woods, was not a sufficient compensation for that service ; and that the assertion that those levies had been unemployed, though paid by the colony, was incorrect. That, in fact, parties of Indians had been sent as far as Crown-point and Sacrament lake,* for intelligence ; and part of the new levies, under captains Langdon and Tiebout, had been sent out to intercept the enemy : That another portion of the new levies had been employed in ranging the woods ; and a third had been stationed in such positions as were best calculated for the security of the frontiers : That orders had been given to fortify a camp of five hundred men at or near the carrying place, and a company of the new levies had been placed at the Mohawks' castle ;† and another between that and Schenectady ; two companies at Schenectady ; three companies at Cannestagayune ;‡ four at Halfmoon ; two at Schaghticoke ; and three companies, besides detachments, at Saratoga. So that there were garrisons, of the new levies, in a line, from east to west, across the northern frontiers ; while the rest of the forces were kept in and round the city of Albany, on both sides of the river : That he was sensible that some other places ought to have been secured, by erecting small forts, but that the refusal of the assembly to provide for the expense, besides furnishing provisions for the new levies, prevented it : That he had kept the Mohawk Indians from going out to hunt, and had likewise sent, to the other Indians of the Five Nations, directions to be in readiness to join in the war : That he had also

* Lake George.

† Fort Hunter.

‡ Now Niskayuna.

sent colonel Roberts to governour Shirley, to consult and concert measures for the defence of the colonies, and the expedition against Canada; and that some of the neighbouring colonies had appeared willing to contribute a share towards the expense: That the assembly had shewn him personal disrespect, thereby contemning the power from which his authority had flowed: That it was well known that the richest and principal men in Albany did not wish well to the success of any expedition against Canada, on account of the advantage they gained by a trade with that country, and especially during a state of war: That the principal difficulty in gaining over the Indians, arose from the great influence those men possessed over that people: That they were like popish emissaries in the colony, who were secretly spreading discontent and discord among the inhabitants, of which the late negro plot was a sufficient proof. He exhorted the house to make every preparation for opposing the enemy, who, it was said, had a powerful fleet at sea, destined for America. He concluded with assurances of uniting in every measure for the publick good, and the defence of the colony.

§ VII. The assembly were in a great ferment at receiving a speech which charged the inhabitants of one of its principal cities with disaffection, and the house itself with a most culpable neglect in providing for the defence of the colony. The members from Albany were violent in their declamations, and unreservedly denounced the governour as being under an influence unworthy of himself and of the colony. An answer was speedily voted; the style of which was sarcastick and severe. It was couched in language apparently respectful, but was, in truth, highly bitter and reproachful.

In the conclusion, it insinuated that the governour had been guilty of gross and palpable frauds and peculations in respect to Indian affairs. This part of the answer ought not to be omitted, as it is a specimen of the boldest language ever addressed to the executive of a country wholly independent of, and superiour to the legislature. It is as follows :

“ Though common reports not founded in truth, and innuendos and insinuations, that men of this complexion deal out so liberally, to answer their mischievous purposes, are little to be regarded with men of sense ; yet we were in hopes it had reached your excellency’s ear ere now, that it has been currently reported, ever since your excellency’s return from the Indian treaty at Albany, in the year 1745, that the goods given by your excellency as presents to the Six Nations that year, did not amount, in value, to one third part of the sum, allowed by the assembly, and that this computation was formed by persons present, from the quantity of goods given them at the same time, on behalf of a neighbouring government, which appeared larger than what was given by your excellency, yet the cost of the former did not amount to three hundred pounds ; that it has also been rumoured, that the French and Spanish prisoners imported in prizes, brought to this city, have, by some persons, under colour of your excellency’s authority, been disposed of, from time to time, to the owners or commanders of flags of truce, at the rate of several pistoles a head ; these are reports which reflect so much upon your excellency’s administration, that we should have remained uneasy, without giving your excellency the occasion of vindicating your own honour ; either by bringing the delinquents to justice, if any there be, that

have so perfidiously abused your excellency's trust, or punishing the authors of so shameful a scandal.

“ And now we hope we have evinced, that we are not only careful of our own honour and interest, but your excellency's too ; at a season, when, with real concern, we find the colony in great danger of being involved in the utmost difficulties from the common enemy without, and divisions within, from the present posture and conduct of its affairs ; when the seeds of dissention are, as it were, authentically scattered and industriously propagated, through the artifices of a designing man who has private views ; for though they have hitherto been providentially blasted, we fear they may at length spring up, and bear a great increase, which God forbid.”

We shall not pursue this answer any further, it being sufficient to remark, that it denied the charge made by the governour, that the assembly had not provided for the defence of the colony ; and to support this denial, it recapitulated the various supplies which had, from time to time, been granted. It sneered at the charge that had been made against the inhabitants of the city of Albany, and roundly asserted that the governour was under the influence of a person who was obnoxious to the colony, and who had, by his mismanagement, occasioned difficulties with the Indians, and disturbed the harmony between the different branches of the government. The governour was so highly incensed that he immediately adjourned the assembly, declaring that he would lay before his majesty and ministers this proceeding of the house. The state of the colony, however, and the necessity of raising supplies, would not permit of a long adjournment.

§ VIII. The house was reassembled in a few days, when the governour informed it that he had already engaged his own private fortune for his majesty's service, and that nine thousand pounds, which he had received on bills which he had drawn on England, had been expended in the payment of the new levies. He insisted that the house should indemnify him against these advances. The assembly resolved that it did not appear to be his majesty's intention that the colony should contribute any monies toward *the pay* of the forces raised for the expedition against Canada; and that it was the duty of the colony to supply those forces with *provisions* only; and concluding, *nemine contradicente*, "That if the safety of the people of this colony, in their lives and estates, should be endangered by the forces not being paid; his excellency will only be to blame, as it is altogether in his power to provide against the evils which are threatened, and which may be so easily prevented, by his excellency's discharging the duty which he owes to his majesty." The governour was now determined to fatigue the house into compliance by frequent adjournments; an expedient which seldom failed of producing effects directly the reverse from what was intended. His excellency adjourned the house from the 5th of June to the 15th; from that day to the 7th of July; then to the 14th; then to the 21st; then to the 30th; then to August 4th.

§ IX. On that day he informed the house that he had received a letter from governour Shirley, by express, informing him that it was thought necessary to determine upon some plan for forming a junction between the forces now in the province of New-York, with those of Massachusetts and Connecticut; that the whole ex-

pense, exclusive of provisions, for carrying this plan into effect, was computed at fourteen thousand pounds ; and recommending the assembly to provide for a portion of the expense. The house was not satisfied with this recommendation, without first being informed what Massachusetts and Connecticut intended to contribute towards this burden. It resolved, “ That it would come to any well concerted scheme, in conjunction with the neighbouring colonies, for annoying the common enemy ; and cheerfully contribute its just proportion of any sums of money (consistent with the circumstances of the colony) which it should judge necessary for carrying such scheme into execution : That it did not appear what sums of money had been already advanced by the governments of the Massachusetts Bay, and Connecticut, to engage the Six Nations of Indians in their zeal for continuing their incursions, and joining in any enterprise against the enemy ; but that the house were fully persuaded, that this colony had already contributed much larger sums of money, for securing those nations in his majesty’s interest, than both the provinces of Massachusetts Bay and Connecticut put together ; and that his excellency best knew how those sums had been applied : That whatever expense the government of the Massachusetts Bay, Connecticut and New-York, should find necessary to take upon themselves, for carrying any well concerted scheme into execution, for annoying the common enemy, this colony ought not to pay more than one third part thereof ; which it would always cheerfully contribute : And further, that the governments to the westward, ought to bear a share of all such expense ; and that it should be then a lessening of the contribution of the colonies of

the Massachusetts Bay, Connecticut, and New-York, according to the aforesaid proportion."

§ X. The governour, a few days after, sent a message to the assembly, declaring that he could no longer continue the expense, at the charge of the crown, for supplying the four companies of fusileers, at Albany, and the levies made in the other colonies, for the invasion of Canada, nor the expense of preserving the friendship of the Indians, and sending out parties of that people to annoy the enemy, and to gain intelligence of their movements. He urged the house to make provision for those expenses, and for relieving the garrisons at Oswego and Saratoga. He informed it also that a considerable body of the French, and their Indians, had been seen between Saratoga and Crownpoint, and that troops had been despatched in pursuit of them. The assembly refused to furnish provisions for the four companies at Albany, alledging that their pay was sufficient for the purpose, and that they had always subsisted thereon, unless when placed in remote garrisons. It likewise refused to furnish the troops of the other colonies with provisions, as being highly unreasonable and unjust: That the crown ought to be at the expense of securing the friendship of the Indians, especially at this juncture, when the burdens imposed on the colony, by reason of the war, were almost intolerable. It voted further, that as the crown had hitherto defrayed the expense of the garrison at Saratoga, it saw no reason for transferring that duty to the colony; and that the allowance already made to the garrison at Oswego was sufficient. It resolved, "That provision be made for the pay and subsistence of one hundred and fifty effective men, officers included, to

range and scour the woods, in the county of Albany, for the space of fifty days, for the protection of the inhabitants of the said county, against the skulking parties of the enemy ; that they be divided into three companies of fifty men each, viz. for the city of Albany, one company ; for the township of Schenectady, one company ; and for the township of Kinderhook, one company ; and that their pay be at the following rates, viz. for three captains, six shillings per diem, each ; for three lieutenants, four shillings per diem, each ; and for one hundred and forty-four private men, two shillings and six pence per diem, each."

CONCLUSION.



THE limits of this volume will not permit a continuation of our history to the present time, upon the plan which has been adopted. At some future day the chasm will be supplied in a manner worthy of the subject. Upwards of one hundred pages have been occupied in giving a view of the most prominent facts which have occurred during the short space of fifteen years, (from 1732 to 1747.) The subsequent period becomes still more interesting, the history of which will require another volume to complete. To do justice to the period of which we have treated, less could hardly have been said, and more, perhaps, may have been expected.

The following presents the names of the governours and lieutenant governours of the colony and state of New-York, to the year 1814.

Colonial Governours and Lieutenant Governours.

George Clinton, governour, October 10, 1753.

Danvers Osborn, 1753; took his seat at the council board, October 10, and died on the 12th.

James De Lancey, lieutenant governour, 1753.

Sir Charles Hardy, September 20, 1755.

James De Lancey, lieutenant governour, June 3d, 1757.

Cadwallader Colden, president of the council, 1760; appointed lieutenant governour, August 19, 1761.

Robert Monckton, governour, June 25, 1762.

Cadwallader Colden, lieutenant governour, September 14, 1763.

Henry Moore, governour, November 29, 1765.

Cadwallader Colden, lieutenant governour, September 29, 1769.

John Earl of Dunmore, governour, October 31, 1770.

William Tryon, governour, August 7, 1771.

Cadwallader Colden, lieutenant governour, (acted) April 16, 1774.

William Tryon, governour, June 28, 1775.

State Governours.

George Clinton, 1777.

John Jay, 1795.

George Clinton, 1801.

Morgan Lewis, 1804.

Daniel D. Tompkins, 1807.

Ibid, 1814.

In the following table the first column of figures represents the pages of the quarto edition of Smith's history, referred to in the Revised Laws of New-York, and the second the corresponding pages in this edition:

Quarto edit. p. 22, see octavo edition page 48.

31	60.
31	in notis, 61.
34	64.
75	127.
76	in notis, 127.
98	161.
103	169.
245	374.
253	385.

SUGAR COLONIES. The act brought into parliament relating to the sugar colonies proposed restrictions upon the American colonial trade, and encouragements to the West India commerce. We intended to have given a detail of its particular provisions, but more important matter being crowded upon our attention, we have thought proper to omit it.

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NOTE A.

This complaint of the Indians charged the corporation of Albany with having obtained from them a deed, by fraud, of certain lands at Fort Hunter. This charge appeared to be ill founded. The lands were already included in the charter of Albany, and rendered any further conveyance unnecessary.

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NOTE B.

The following particulars, relative to Zenger, are extracted from Thomas' History of Printing :

At the next term of the supreme court, the grand jury found the presentment against Zenger *ignoramus*. The attorney general was then directed to file an *Information* against him for printing the said libels, and he remained in prison till another term. His counsel offered exceptions to the commissions of the judges, and prayed to have them filed. The judges would not allow, or even hear the exceptions, and they excluded Zenger's counsel, Mr. Alexander and Mr. Smith, from the bar. Zenger obtained other counsel. viz. John Chambers, of New-York, and Andrew Hamilton of Philadelphia. Mr. Hamilton made the journey from Philadelphia to New-York for the sole purpose of defending Zenger. Zenger being put to trial pleaded "not guilty." The printing and publishing the papers were acknowledged by Zenger's counsel, who offered to give the truth in evidence. This the court would not admit. Mr. Hamilton argued the cause in a most able manner, before the court and a numerous and respectable assemblage of people. The judges observed that the jury might find that Zenger printed and published the papers in question, and leave it to the court to determine whether they were libellous. Mr. Hamilton remarked, that they *might* do so, but they had a right, beyond all dispute, to judge of the *law* as well as the *fact*, &c. The jury having retired a short time, returned with a verdict, "Not Guilty," to the great mortification of the court, and of all Zenger's prosecutors ; but which was received by the audience with loud bursts of applause, concluding with three cheers. The next day Zenger was released from prison, after having been confined eight months.

Zenger published the [New-York] Journal on Mondays, till he died, in the summer of 1746.

It was continued by his widow, Catharine Zenger, till December, 1748, when she resigned the publication to her son, John Zenger. Her imprint was—"New-York : Printed by the widow Cathrine Zenger, at

the printing office in Stone-street. Where advertisements are taken in, and all persons may be supplied with this paper."

John Zenger, in January, 1748-9, new modelled the title of the Journal, and added a cut, coarsely executed, of a section of the royal arms, containing three lions gardant, encircled with the usual motto, "*Honi soit qve mal y pense*;" surmounted by a crown. The imprint—"New-York: Printed by John Zenger, in Stone-street, near Fort George; Where advertisements are taken in at a moderate rate."

John Zenger published this paper until about 1752, when it was discontinued, but in 1766, the title was revived by John Holt.

In the New-York Journal, of February 25, 1751, is the following advertisement.

"My country subscribers are earnestly desired to pay their arrearages for this journal, which if they don't speedily, I shall leave off sending, and seek my money another way. Some of these kind customers are in arrears upwards of seven years! Now as I have served them so long, I think it is time, ay, high time too, that they give me my outset; for they may verily believe that my very cloathes are almost worn out. N. B. Gentlemen, If you have not ready money with you, still think of the printer, and when you have read this advertisement, and considered it, you cannot but say, Come Dame, (especially you inquisitive wedded men, let the bachelors take it to themselves) let us send the poor printer a few gammons or some meal, some butter, cheese, poultry, &c. In the mean time I am yours, &c. J. Zenger."

New-York, September 29, 1736.

His majesty's council of the province of New-York being duly summoned to attend me in council, as commander in chief of the province, and James Alexander appearing, and the rest neglecting to appear according to the said summons, so that a quorum could not be made to give me their advice concerning the appointment of the following magistrates of this city; I have, in their default, appointed Cornelius Van Horne, mayor; William Smith, recorder; Richard Ashfield, sheriff; and Richard Nicolls, coroner, for the ensuing year.

RIP VAN DAM.

The following trial is given for the amusement of the reader. It is, perhaps, not generally known that any solemn judicial investigation of a charge of Witchcraft ever occurred in this state while a colony. It is pleasing to observe, that in its conclusion, it was not stained with those characters of blood, which disgrace the history of a sister state.

At the court of assizes, held in New-York, the 2d day of October, 1665, &c.

The tryall of Ralph Hall, and Mary his wife, upon suspicion of witchcraft.

The names of the persons who served on the grand jury:
Thomas Baker, foreman of the jury, of Easthampton; capt. John

Symonds, of Hempstead ; Mr. Hallett, of Jamaica ; Anthony Waters, Thomas Wandall, of Marshpathkill ; Mr. Nicolls, of Stamford ; Balthazer De Haart, John Garland, Jacob Leister, Anthonio De Mill, Alexander Munro, Thomas Searle, of New-York.

The prisoner being brought to the barr by Allard Anthony, sheriff of New-York : This following indictment was read, first against Ralph Hall, and then against Mary, his wife, viz.

The constable and overseers of the towne of Seatalcott, in the east riding of Yorkshire, upon Long Island, do present, for our soveraigne lord the king, that Ralph Hall, of Seatalcott aforesaid, upon the 25th day of December, being Christmas day last was twelve months, in the 15th year of the raigne of our soveraigne lord Charles the second, by the grace of God king of England, Scotland, France and Ireland, defender of the faith, &c. and severall other days and times since that day, by some detestable and wicked arts, commonly called witchcraft and sorcery, did (as is suspected) maliciously and feloniously practise and exercise, at the said town of Seatalcott, in the east riding of Yorkshire, on Long Island aforesaid, on the person of George Wood, late of the same place, by which wicked and detestable arts, the said George Wood (as is suspected) most dangerously and mortally sickened and languished, and not long after, by the aforesaid wicked and detestable arts, the said George Wood (as is likewise suspected) died.

Moreover the constable and overseers of the said towne of Seatalcott, in the east riding of Yorkshire, upon Long Island aforesaid, do further present, for our soveraign lord the king, that some while after the death of the aforesaid George Wood, the said Ralph Hall, did (as is suspected) divers times, by the like wicked and detestable arts, commonly called Witchcraft and Sorcery, maliciously and feloniously practise and exercise, at the said town of Seatalcott, in the east riding of Yorkshire, upon Long Island aforesaid, on the person of an infant child of Ann Rogers, widow of the aforesaid George Wood, deceased, by which wicked and detestable arts, the said infant child (as is suspected) most dangerously and mortally sickened and languished, and not long after, by the said wicked and detestable arts (as is likewise suspected) died : and so the said constable and overseers do present, that the said George Wood, and the said infant childe, by the ways and means aforesaid, most wickedly, maliciously and feloniously were (as is suspected) murdered by the said Ralph Hall, and the times and places aforesaid, against the peace of our soveraign lord the king, and against the laws of this government in such cases provided. The like indictment was read against Mary, the wife of Ralph Hall : Thereupon several depositions accusing the prisoners of the fact for which they were indicted, were read ; but no witnesses appeared to give testimony in court, *viva voce*, then the clerk calling upon Ralph Hall, bade him hold up his hand and read as follows : Ralph Hall, thou standest here indicted for that having not the fear of God before thine eyes, thou didst, upon the 25th day of December, being Christmas day last was twelve months, and at se-

veral other times since (as is suspected) by some wicked and detestable arts, commonly called witchcraft and sorcery, maliciously and feloniously practise and exercise upon the bodies of George Wood and an infant child of Ann Rogers ; by which said arts the said George Wood, and the infant child (as is suspected) most dangerously and mortally fell sick and languished unto death. Ralph Hall, what dost thou say for thyself--art thou guilty or not guilty ? Mary, the wife of Ralph Hall, was called upon in like manner. They both pleaded not guilty, and threw themselves to be tried by God and the country. Whereupon their case was referred to the jury, who brought into the court this following verdict, viz.

We having severally considered the case committed to our charge against the prisoners at the bar, and having well weighed the evidence, we find that there are some suspicions by the evidence of what the woman is charged with, but nothing considerable of value to take away her life ; but in reference to the man we find nothing considerable to charge him with.

The court, thereupon, gave this sentence : That the man should be bound, body and goods, for his wife's appearance at the next sessions, and so on from sessions to sessions, as long as they stay within this government. In the mean while to be of good behaviour. So they were returned to the sheriff's custody ; and upon entering into a recognizance according to the sentence of the court, they were released.

Appeals, actions, presentments, &c. entered for hearing and tryall at the generall court of assizes, to be held in New-York, beginning on the first Wednesday of October, 1670 :

In the case of Katharine Harryson, widow, who was bound to the good behaviour, upon complaint of some of the inhabitants of Westchester, until the holding of this court. It ordered, that in regard there is nothing appears against her deserving the continuance of that obligation, she is to be released from it, and hath liberty to remain in the towne of Westchester, where she now resides, or any where else in the government, during her pleasure.

A release to Ralph Hall, and Mary, his wife, from the recognizance they entered into at the assizes :

These are to certify to all whom it may concerne, that Ralph Hall, and Mary, his wife, (at present living upon the great Minifords island) are hereby released and acquitted from any and all recognizances, bonds of appearance or other obligations entered into by them or either of them, for the peace or good behaviour, upon account of any accusation or indictment upon suspicion of witchcraft, brought into the court of assizes against them, in the year 1665 ; there having been no direct proofs nor further prosecution of them since. Given under my hand at Fort James, in New-York, this 21st day of August, 1668.

R. NICOLLS.

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